

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

PRESENT:	Supervisor	Mary Ann Balland
	Council	Mike Smith
		Edward Fairbrother
		David Manchester
		Dean Frisbie
	Town Clerk	Teresa Dean
	Attorney	Thomas Reed

Supervisor Balland called the Organizational Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

RESOLUTION NO. 1-06
ROBERTS RULES OF ORDER ADOPTED AS GUIDELINES

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board adopt Robert Rules of Order, Association of Towns – State of New York Town Law Manual 2000, and Conducting Public Meetings and Public Hearings, as a guideline, and vote orally on resolutions.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 2-06
TIME AND PLACE SET FOR TOWN BOARD WORKSHOPS

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board set the time and place for the Town Board and Water Board Workshop sessions the 2nd Wednesday of each month at 4:30 p.m. at the Town Hall.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 3-06
TIME AND PLACE SET FOR WATER BOARD MEETINGS

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board set the time and place for the Water Board Meetings: 4th
Wednesday of each month at 7:00 p.m. at the Town Hall, except for the months of November
and December when the meeting will commence at 4:30 p.m., and

FURTHER RESOLVED for the month of November the meeting will be held on Wednesday,
November 29, 2006 at 4:30 p.m.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 4-06
TIME AND PLACE SET FOR TOWN BOARD MEETINGS

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board set the time and place for the Town Board Meetings: 4th
Wednesday of each month at the Town Hall immediately following the Water Board meeting,
except for the month of November and December when the meeting will commence at 4:30 p.m.,
and

FURTHER RESOLVED for the month of November the meeting will be held on Wednesday,
November 29, 2006 at 4:30 p.m.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 5-06
WATER AND/OR TOWN BOARD MEETING PROCEDURES

Resolution by: Frisbie

Seconded by: Fairbrother

RESOLVE the Town Board adopts the following policy for Water and/or Town Board meetings and workshops:

1. All agenda items are submitted to the Town Clerk by 10:00 a.m. the Wednesday prior to the Water and/or Town Board meeting. When a legal holiday and/or the responsible person submitting said documentation is not present, the documentation must be submitted the previous day.
2. The first item of the meeting/workshop will be Call to Order.
3. Concerns of the People will be held immediately following the Call to Order at the Town Board meeting and workshop.
4. The Workshop(s) agenda categories be as follows:
 - Reports
 - Old Business
 - Correspondence
5. The Town Board meeting agenda categories be as follows:
 - Minutes
 - Old Business
 - New Business
 - Correspondence
6. The Water Board meeting agenda categories be:
 - Old Business
 - New Business
 - Correspondence
7. All monthly, activity reports, certificate(s), and/or minutes are to be submitted to the Town Clerk Thursday prior to the Town Board Workshop.
8. Vouchers for payment must be submitted by 12:00 noon 10 days prior to the Town Board meeting (normally the third week of the month). Submittal is the responsibility of the Department Supervisors and they are responsible for vendor inquiries due to non-submittals.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 6-06
DEPUTY TOWN SUPERVISOR APPOINTED

Resolution by: Manchester
Seconded by: Frisbie

RESOLVE the Town Board appoints Edward Fairbrother, Deputy Town Supervisor, as recommended by the Town Supervisor.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 7-06
BOARD MEMBER COMMITTEE ASSIGNMENTS

Resolution by: Manchester
Seconded by: Frisbie

RESOLVE the Town Board Councilpersons be assigned as Liaisons to the following Boards, Commissions, and Committees:

Community Center Board	Frisbie & Smith
Emergency Preparedness	Balland
Personnel Committee	Manchester
Community Service Award	Fairbrother & Smith
Re-organization Committee	Fairbrother & Manchester
Parks Commission	Smith with Frisbie as an alternate

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 8-06
PLANNING BOARD COMMITTEE ASSIGNMENTS

Resolution by: Frisbie
Seconded by: Manchester

RESOLVE the Town Board Councilpersons be assigned as Liaisons to the Planning Board as follows:

January through March	Smith
April through June	Frisbie
July through September	Balland
October through December	Fairbrother

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 9-06
FIREWORKS COMMISSIONER APPOINTED

Resolution by: Frisbie
Seconded by: Manchester

RESOLVE the Town Board appoints Dean Frisbie Fireworks Commissioner.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 10-06
HEALTH AND DENTAL INSURANCE PREMIUM

Resolution by: Frisbie
Seconded by: Manchester

RESOLVE that the Town Board requires current Town employees participating in health and dental insurance to pay 10% of the premium, and

FURTHER RESOLVED Town employees and/or employees who choose to participate in health and dental insurance after January 1, 2006 to pay 15% of the premium.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 11-06
TOWN OFFICIAL NEWSPAPER DESIGNATED

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE the Town Board designates the Elmira Star Gazette as the Town's official newspaper.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 12-06
SUPERVISOR DIRECTED TO PUBLISH ANNUAL REPORT

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE the Town Board directs the Supervisor to publish the Annual Report in the approved form.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 13-06
BANKS DESIGNATED

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE the Town Board designates Chemung Canal Trust Company, Bath National Bank and JP Morgan-Chase Bank the official depositories.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 14-06
SUPERVISOR AUTHORIZED TO INVEST TOWN FUNDS

Resolution by: Balland
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Supervisor to invest monies, not needed for immediate expenditures, according to the regulations of the State Department of Audit and Control and the investment policy adopted January 1988.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 15-06
SUPERVISOR AUTHORIZED TO ADVANCE MONEY

Resolution by: Balland
Seconded by: Frisbie

RESOLVE the Town Board be authorized to advance money for educational meetings or workshops as provided by General Municipal Law 77b.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 16-06
ATTENDANCE AT EDUCATIONAL PROGRAMS AUTHORIZED

Resolution by: Balland
Seconded by: Frisbie

RESOLVE the Town Board authorize Town Officials and employees to attend educational programs concerning Town business, as approved by the Town Board, with all legal expenses charged to the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 17-06
ATTENDANCE AT COUNTY MUNICIPAL CLERKS MEETINGS AUTHORIZED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board authorize the attendance at County Municipal Clerks meetings, as authorized in their 2006 budget, for Teresa Dean, Sheree McGannon, and Robert Newlun at the Town's expense.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 18-06
AUTHORIZATION OF OVERTIME

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Supervisor be authorized to approve overtime pay for Town employees as setforth in the Town Employee Handbook for emergencies only.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 19-06
AUTHORIZATION FOR PURCHASES

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board requires approval prior to obtaining services, parts, and other equipment for all purchases over the amount of \$1,000.00, including engineering or as otherwise provided by the Town Board.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 20-06
CONTINGENCY TRANSFERS

Resolution by: Manchester
Seconded by: Frisbie

RESOLVE the Town Board requires all transfer requests exceeding \$500.00 from contingency and/or fund balance must come before the Town Board prior to obtaining services, parts, and other equipment not covered in their budget.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 21-06
JUSTICES AND TOWN COUNCIL AUTHORIZED TO CERTIFY PAPERS

Resolution by: Manchester
Seconded by: Frisbie

RESOLVE the Town Justices and Town Council be authorized to certify papers and documents without charge.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 22-06
BLANKET BONDS OR BONDING AUTHORIZED FOR TOWN OFFICIALS

Resolution by: Manchester
Seconded by: Frisbie

RESOLVE that blanket bonds or bonding be obtained for Town Officials, as required, and submit the names of Town Officers to the Insurance Agent.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 23-06
TRAVEL JURISDICTION AUTHORIZATION

Resolution by: Frisbie
Seconded by: Manchester

RESOLVE the Town Board requires that all travel outside of New York State and Northern Pennsylvania for the purposes of conferences and/or workshops will require previous approval by the Town Board.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 24-06
MILEAGE ALLOWANCE SET

Resolution by: Frisbie
Seconded by: Manchester

RESOLVE the Town Board set mileage at \$0.445 per mile for Town Officials and employees when using their personal vehicles for official Town business, when authorized by the Town Board.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

PROPOSED RESOLUTION NO. 25-06
CHEMUNG CANAL VISA, NOVA INFORMATION SYSTEMS CREDIT CARD CO., AND
UTILITY PREPAYMENT AUTHORIZED

Resolution by: Frisbie
Seconded by: Fairbrother

WHEREAS in order to avoid unnecessary fees and interest it is determined that it is in the best interest of the Town to pay the Chemung Canal VISA account, Nova Information Systems Credit Card Co., and utility bills when it comes due, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Supervisor is hereby authorized to pay the Chemung Canal VISA account, Nova Information Systems Credit Card Co. and utility bills as it becomes due without prior approval of Town Board.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 26-06
2006 ELECTED OFFICIAL'S SALARIES SET

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE the Town Board set the following salaries for elected officials:

Supervisor	\$28,360.00
Council Member (4)	\$ 6,564.00 each
Town Clerk	\$32,911.00
Tax Collector	\$ 6,741.00
Town Justice (2)	\$15,180.00

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Councilperson Manchester disclosed that his wife is an officer of Chemung Canal Trust Company; therefore, he would be abstaining from items dealing with Chemung Canal Trust Company.

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 27-06
EFFECTIVE DATE OF APPOINTMENTS

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE the Town Board set the effective date for appointments, unless otherwise stated, as January 1, 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 28-06
WAGES SET FOR FULL TIME EMPLOYEES

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE that the Town Board set wages for full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook for the following:

Thomas Reed	Attorney for the Town & Water Boards	\$31,136.00/Annual
Merlyn Tiwari	Bookkeeper	28,809.00/Annual
Sheree McGannon	Deputy Town Clerk	21,000.00/Annual
Helen Schwartz	Clerk to the Town Justice	27,969.00/Annual
Maureen Harding	Director of Planning	47,000.00/Annual
Charles Coons	Director BI/Code Enforcement Office	40,197.00/Annual
Eric Corey	Building Inspector/Code Enforcement Officer Assistant	34,425.00/Annual
Nancy VanMaarseveen	Transcribing Typist for BI/CEO/Planning Board	426.00/Weekly
Teresa Dean	Deputy Tax Collector	462.00/Annual

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 28-06, WAGES SET FOR FULL TIME EMPLOYEES continued

Debra Knoll	Secretary I	28,533.00/Annual
Donald Gaylord	Working Foreperson	48,187.00/Annual
P. Jay Boudreau	Water System Supervisor	47,554.00/Annual
Pamela Kowulich	Senior Account Clerk	25,858.00/Annual

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 29-06
WAGES SET FOR ASSESSOR

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE that the Town Board set wages for William Torp as Assessor for the Town of Big Flats as a full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook at a salary not-to-exceed \$33,856.00 annually with a term ending September 30, 2007.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 30-06
WAGES SET FOR COMMISSIONER OF PUBLIC WORKS

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE that the Town Board set wages for Larry Wagner as Commissioner of Public Works for the Town of Big Flats as a full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook at a salary not-to-exceed \$73,179.00 annually with an term ending December 31, 2007.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 31-06
WAGES SET FOR PART-TIME EMPLOYEES

Resolution by: Balland
Seconded by: Smith

RESOLVE that the Town Board set wages of part-time employees to be accepted and paid when due, with the option of New York State Retirement System and Deferred Compensation; however, no Town fringe benefits, for the following:

William Haner	Building Inspector, Part-time	12.99/Hourly
Dail Phelps	Clerk to the Town Justice	8.37/Hourly
Frances Decker	Clerk, Part-time	9.14/Hourly
Suzanne Brinthaup	Secretary to Supervisor and Secretary for Community Center	9.68/Hourly
Patricia Hartigan-Huten	Recreation Attendant	8.37/Hourly
Judith Zimmerman	Director of Recreation, Part-time	13.09/Hourly
Thomas Saunders	Custodian, Part-time	7.61/Hourly
Clifton Case	Custodian, Part-time	7.87/Hourly

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 32-06
TOWN HISTORIAN APPOINTED

Resolution by: Balland
Seconded by: Frisbie

RESOLVE the Town Board appoints E. R. Van Etten Town Historian, at \$722.00 annually.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 33-06
WATER BOARD SECRETARY APPOINTED

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE the Town Board appoints Teresa Dean Secretary to the Water Board.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 34-06
PLANNING BOARD SECRETARY APPOINTED

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE the Town Board appoints Nancy Van Maarseveen, Secretary to the Planning Board at a rate of 1.5 times her hourly rate set for Transcribing Typist for Building Inspector/Code Enforcement/Planning Board, per meeting.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 35-06
PARKS COMMISSION SECRETARY APPOINTED

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE the Town Board appoints Deanne Williams, Secretary to the Parks Commission at a rate of \$30.00 per meeting.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 36-06
EMERGENCY PREPAREDNESS SECRETARY APPOINTED

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE the Town Board appoints Suzanne Brinthaup, Secretary for the Emergency Preparedness Committee at a rate of \$30.00 per meeting.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 37-06
COMMUNITY CENTER BOARD SECRETARY APPOINTED

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE the Town Board appoints Suzanne Brinthaup, Secretary for the Community Center Board at the rate of \$30.00 per meeting.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 38-06
BOARDS AND COMMISSION APPOINTMENT

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE the Town Board appoints the following members to the listed Board/Commission with a term ending as specified:

Scott Esty	Planning Board	December 31, 2012
Christopher Friend	Parks Commission	December 31, 2012
Donald Williams	Zoning Board of Appeals	December 31, 2009
Richard Seely	Zoning Board of Appeals	December 31, 2010
Margaret Bellizia	Senior Citizens	December 31, 2012
Jason Thompson	Community Center Board	December 31, 2006
Robert Newlun	Community Center Board	December 31, 2006
Robert Adams	Community Center Board	December 31, 2008
John Farr	Community Center Board	December 31, 2008

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 39-06
PARKS COMMISSION CHAIRPERSON APPOINTED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board appoints Sheila Dilmore as Parks Commission Chairperson for 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 40-06
ZONING BOARD OF APPEALS CHAIRPERSON APPOINTED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board appoints Thomas Rhodes as Zoning Board of Appeals Chairperson for 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 41-06
EMERGENCY PREPAREDNESS COMMITTEE CO-CHAIRPERSONS APPOINTED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE the Town Board appoints Jane King and Mary Ann Balland as Emergency Preparedness Committee Co-chairpersons for 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 42-06
COMMUNITY CENTER BOARD CHAIRPERSON APPOINTED

Resolution by: Balland
Seconded by: Frisbie

RESOLVE the Town Board appoints Vicie Rolling, 11 Somerset Drive, Chairperson for the Community Center Board.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 43-06
COMPENSATION AUTHORIZED FOR BOARDS AND COMMISSIONS MEMBERS

Resolution by: Balland
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Chairperson of the Big Flats Planning Board, Zoning Board of Appeals, Parks Commission and Community Center Board to be paid \$50.00, for each regularly scheduled monthly meeting actually attended by the Chairperson(s) and payment shall be made by a voucher and submitted to the Bookkeeper, and

BE IT FURTHER RESOLVED that each regular member of the Parks Commission, and Community Center Board of the Town of Big Flats shall be paid \$15.00 for each regularly scheduled monthly meeting, Zoning Board of Appeals members shall be paid \$20.00, and Planning Board members shall be paid \$25.00 not-to-exceed 18 meetings, actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 44-06
ALTERNATE PLANNING BOARD MEMBER APPOINTMENT APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS in Resolution 213-04 the Town Board adopted Local Law #5, 2004, titled "Town of Big Flats Planning Board Law" approving the position of Alternate Planning Board member, and

WHEREAS Lance Muir is currently a member of the Planning Board Applications Committee and has consented to be the Alternate Planning Board member, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR617.5(c)(20 and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves and hereby appoints Lance Muir as the Alternate Planning Board member for a term effective immediately ending December 31, 2007, and

FURTHER RESOLVED the Town Board approves the Alternate Planning Board member shall be paid \$25.00 not-to-exceed 18 meetings, actually attended and representing the Town as a Planning Board member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 45-06
COMPENSATION AUTHORIZED FOR BOARD OF ASSESSMENT REVIEW MEMBERS

Resolution by: Manchester
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Chairperson of the Big Flats Board of Assessment Review to be paid \$100.00 for each session actually attended by the Chairperson and payment shall be made by a voucher and submitted to the Bookkeeper, and

BE IT FURTHER RESOLVED that each regular member of the Board of Assessment Review members shall be paid \$50.00 for each session actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 46-06
WAGES SET FOR ELECTION INSPECTORS

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE the Town Board set wages of Election Inspectors at \$75.00 per day for Primary Elections and Registration, \$100.00 per day for General Elections, \$10.00 for returning supplies to Board of Election for the four (4) sites (doubling up on those returns from Town Hall and any place else as needed), and \$10.00 per training session, plus mileage.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 47-06
POLLING SITES FOR 2006 APPROVED

Resolution by: Frisbie
Seconded by: Fairbrother

RESOLVE the Town Board set the Polling Site designations for the Town of Big Flats as follows:

District #1	Big Flats Community Center
District #2	Big Flats Community Center
District #3	American Baptist Church
District #4	Maranatha Bible Chapel
District #4-5	Maranatha Bible Chapel
District #5	Big Flats Community Center
District #6	Big Flats Community Center
District #7-6	Big Flats Community Center

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 48-06
SUPERVISOR AUTHORIZED TO HIRE PERSONNEL WHEN NEEDED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board authorize the Supervisor to hire personnel, when prudent and necessary, with the range being \$6.75 to \$8.50 per hour not-to-exceed 21 days without Town Board approval.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 49-06
TEMPORARY STAFF SERVICES APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board authorizes the Town Supervisor to hire temporary help from the approved list of Jane King, Sheila Dilmore, and Kay Hall at a rate of \$8.12 per hour; Joanne Schucker at the rate of \$8.50 per hour; Deanne Williams at a rate of \$10.15 per hour; and Judy Kadlec at the rate of \$9.50 per hour as needed.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 50-06
JUSTICES AUTHORIZED TO HIRE STENOGRAPHER

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board authorizes the Town Justices to hire a stenographer, when needed, at the prevailing rate.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 51-06
APPOINTMENT OF RECEIVERS OF REVENUE FOR WATER DISTRICTS

Resolution by: Smith
Seconded by: Frisbie

RESOLVE the Town Board appoints Pamela Kowulich, Suzanne Brinthaup, Mary Ann Balland, Merlyn Tiwari, Sheila Dilmore, Frances Decker, Jay Boudreau, Debra Knoll, Judy Kadlec, and Deanne Williams as Receivers of Revenue for the Water Districts.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 52-06
COMMISSIONER OF PUBLIC WORKS PURCHASES AMOUNT APPROVED

Resolution by: Smith
Seconded by: Frisbie

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to make purchases up to \$5,000.00 for parts, services, and other equipment for use in the Department of Public Works, as necessary, provided they are covered in the budget.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 53-06
COMMISSIONER OF PUBLIC WORKS AUTHORIZED TO ADVERTISE FOR BIDS

Resolution by: Smith
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Commissioner of Public Works to advertise for bids on tires, salt, cinders, sand, parts and tools, as needed.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 54-06
COMMISSIONER OF PUBLIC WORKS AUTHORIZED TO ACCEPT STATE & COUNTY
BIDS

Resolution by: Frisbie
Seconded by: Manchester

RESOLVE the Town Board authorizes the Commissioner of Public Works to accept State and County bids for any and all items under State and County bid system, provided they are covered in the Highway budget; with the exception that any bid for vehicles and equipment shall be subject to prior Town Board approval.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO 55-06
COMMISSIONER OF PUBLIC WORKS PURCHASE APPROVAL AUTHORIZED

Resolution by: Frisbie
Seconded by: Manchester

RESOLVE the Town Board authorizes the Town Supervisor or Commissioner of Public Works, where applicable; be authorized to approve purchases or services during emergencies exceeding \$1,000.00.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 56-06
COMMISSIONER OF PUBLIC WORKS HIRING TEMPORARY AGENCIES AUTHORIZED

Resolution by: Frisbie
Seconded by: Manchester

RESOLVE the Town Board authorizes the hiring of people from temporary agencies be pre-approved by the Town Board, Town Supervisor or Commissioner of Public Works, where applicable.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 57-06
SECTION 284 OF THE HIGHWAY LAW AGREEMENT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS in accordance with Highway Law, Section 284, the Town Supervisor, Town Board, and Commissioner of Public Works are required to enter into an agreement regarding moneys levied and collected in the Town for repair and improvement of highways, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED, in accordance with Highway Law, Section 284, the Town Supervisor, Town Board and Commissioner of Public Works are authorized to enter into the Agreement for the Expenditure of Highway Moneys.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 58-06
DEPARTMENT OF CORRECTIONAL SERVICES AGREEMENT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Commissioner of Public Works has requested the Town Board enter into an agreement with the Department of Correctional Services for the purpose of providing labor services for the cleaning and maintaining of Town roads, parks, ditches, drainage swales, and other applicable services as necessary, and

WHEREAS for environmental review purposes the Town Board finds the hiring of personnel to be a Type II Action and as such no environmental review is required,

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the required Agreement for calendar year 2006 with the Department of Correctional Services for the purposes of providing labor services for the cleaning and maintaining of Town roads, parks, ditches, drainage swales, and other applicable services as necessary.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 59-06
SAFETY OFFICER APPOINTMENT

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board has determined a need to appoint a safety officer for the Town of Big Flats, now

BE IT THEREFORE RESOLVED the Town Board appoints Larry Wagner, Commissioner of Public Works as Safety Officer.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 60-06
ABERCROMBIE AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Assessor has requested that we retain the services of a professional to assist in the collection, administration, and control of data relating to the real property located within the Town, and

WHEREAS, John Abercrombie has proposed to furnish such services to the Town, and

WHEREAS the Town Assessor recommends and approves the contracting of Mr. Abercrombie, and

WHEREAS the administration and contracting of Town Consultants is a Type II action for purposes of SEQRA and as such no further action needs to be taken in regard to such matters.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Town Supervisor to execute a one year agreement with John Abercrombie, at the rate of pay of \$14.00 per hour, not to exceed \$10,000.00 per year, for the purposes of providing professional services to the Town Assessor in accordance with the terms and conditions of the agreement submitted herewith.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 61-06
AGREEMENT WITH BRIGGS APPRAISAL SERVICES APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has, as recommended by the Assessor, determined it necessary to contract with Briggs Appraisal Services for the purposes of review and assessment for properties located in the Town of Big Flats, and

WHEREAS the administration process of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Briggs Appraisal Services for professional services at a cost not-to-exceed \$10,000.00 contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 62-06
CRANBERRY FOG CONTRACT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined that a computer consultant is needed and has previously entered into contracts with Marc Chevalier of Cranberry Fog, and

WHEREAS a contact is necessary for the year 2006, and

WHEREAS the hiring of personnel is a Type II action for purposes of SEQRA and as such, no further action is necessary regarding the same.

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Cranberry Fog as proposed for the purpose of services for a period running from January 1, 2006 through December 31, 2006 for a total cost not-to-exceed \$18,000.00.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 63-06
PETTY CASH FUNDS ESTABLISHED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board establishes the following Petty Cash Funds:

Tax Collector	\$100.00
Town Clerk	\$ 50.00
Town Justices	\$ 75.00
Water District #1, #2, #3, and #4	\$ 50.00 each
Building Inspector	\$ 25.00
Bookkeeping	\$ 25.00
Department of Public Works	\$ 50.00
Community Center	\$ 50.00

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 64-06
FEE SCHEDULE ADOPTED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS to alleviate any undo burden to the tax payers in the Town of Big Flats and to adequately reimburse the Town for services provided to private citizens and developers by employees of the Town, and

WHEREAS the Town has evaluated and considered the cost associated with various application reviews, variances, permits, inspections and licensing finds that the cost for the services provided by the Town are reasonable and attributable to the applicant for such considerations, review, licensing or permit, and

WHEREAS for environmental review purposes the adoption of a Fee Schedule is a Type II action under SEQRA, NYCRR part 617.5(c)(19)&(26).

BE IT THEREFORE RESOLVED that all expenses incurred by the Town relating to applications and licensing as required by the Town Code are to be paid by the applicant for such actions, and

FURTHER RESOLVED that the fees listed in this resolution are in addition to the consultant, inspection and/or legal pass-thorough fees pursuant to Local Law No. 10, 2001, Chapter 2.08 of the Town Code, and

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 64-06, FEE SCHEDULE ADOPTED continued

FURTHER RESOLVED that the following application and licensing fee schedules are hereby adopted and in effect for the listed activities or actions:

BUILDING PERMIT APPLICATION FEE SCHEDULE

<i>PROJECT TITLE</i>	<i>BASE FEE</i>	<i>ADDITIONAL FEES</i>
1 & 2 Family Properties	\$ 25.00	Add \$1.00 per thousand of construction cost AND Add \$0.06 per square foot for new construction (living space)
Multi-family and Apartments	\$ 25.00	Add \$1.00 per thousand of construction cost AND Add \$0.08 per square foot for new construction (living space)
<i>PROJECT TITLE</i>	<i>BASE FEE</i>	<i>ADDITIONAL FEES</i>
Commercial & Industrial	\$ 50.00	Add \$2.00 per thousand of construction cost AND Add \$0.02 per square foot for remodeling AND Add \$0.10 per square foot for new construction
Demolition and Removal Permits	\$ 20.00 \$ 50.00	Residential Commercial
Driveway / Curb Cut	\$ 10.00 \$ 50.00	Residential Commercial
Mobile Home Setup	\$ 75.00	NA
Sheds	\$ 25.00	With NO dimension larger than 16'
Swimming Pools	\$ 25.00	In ground and above ground
Signs	\$ 25.00	PLUS \$0.05 square foot Add \$50.00 for freestanding sign
Systems Permits (HVAC, plumbing, electric, other mechanical)	\$ 25.00 \$ 75.00	Residential Commercial
Building without a Permit	\$50.00	PLUS cost of permit
Permit Renewal	50% of cost of original permit	NA – renewal for 6 months.

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 64-06, FEE SCHEDULE ADOPTED continued

APPLICATION TO THE PLANNING BOARD

Site Plan Review

- Residential \$100.00 (add \$50.00 for each additional building)
- Non-Residential \$250.00 (add \$50.00 for each additional building)
- Amendment \$ 50.00

Subdivision

- Residential \$ 50.00 plus \$10.00 per lot over 3 lots
- Non-Residential \$100.00 plus \$10.00 per lot over 3 lots

APPLICATION FEES FOR SPECIAL PERMIT, VARIANCE, ZONING AMENDMENT	
APPLICATION	BASE FEE
SPECIAL PERMIT	
ALL	\$50
VARIANCE	
RESIDENTIAL AREA	\$45
NON-RESIDENTIAL AREA	\$100
SIGN	\$50
USE	\$150
ZONING AMENDMENT	
UP TO 5 ACRES	\$50
5 - 25 ACRES	\$100
25+ ACRES	\$150

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

OTHER PERMITS FEE SCHEDULE	
APPLICATION	BASE FEE
TIMBER HARVEST PERMIT	\$35 plus the required Performance Bond or Certified Check at the rate of \$30.00 per acre or a maximum of \$2,500 for the purposes outlined in Chapter 5.16 of the Town Code
FLOODPLAIN DEVELOPMENT PERMIT	\$25
JUNK DEALER S' LICENSE	\$50
PEDDLERS AND SOLICITORS LICENSE	\$25 plus \$10 for each additional person or vehicle used for the purposes outlined in Local Law # 8 of 2001, Chapter 5.12 of the Town Code
UNREGISTERED MOTOR VEHICLE PERMIT	
1 – 60 DAYS	\$25
61 – 120 DAYS	\$50
121 – 270 DAYS	\$150
271 – 365 DAYS	\$300

PHOTO COPYING FEES	
SIZE/DOCUMENTS	\$ PER PAGE
<9" X 14"	\$.25
>9" X 14", plans, Subdivision Plat, books, codes & other large documents	Actual cost of reproduction or procurement

DOG LICENSES FEES	
	FEE ¹
Spayed Females/Neutered Males	\$3.50
Un-spayed Females/Un-neutered Males	\$9.50

¹State fees are in addition to the local fees listed in this table.

NOTE: A consultant, inspection and/or legal pass-through fee pursuant to Chapter 2.08 of the Town Code may be applicable in addition to any application fee listed in this schedule

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

RESOLUTION NO. 65-06
PREPAYMENT APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

RESOLVE the Town Board authorizes the following prepayments:

Perry & Carroll, Inc. for Property/Casualty Insurance renewal effective January 1, 2006 through January 1, 2007	\$15,868.83
PERMA, Workers Compensation Premium	\$49,110.00
Association of Towns for 2006 Association Membership Dues	\$ 1,100.00

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 66-06
2006 ENCUMBRANCE FUNDS APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Court Office to rollover the 2005 unused encumbrance funds in the amount of \$3,196.00 from a 2003 grant to set up security mechanisms.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to recess the Town Board meeting until 5:30 p.m. All in favor, motion carried.

Supervisor Balland reconvened the Town Board meeting at 5:30 p.m. and introduced the present members of the Zoning Board of Appeals, Planning Board, and Town Board.

Attorney Reed stated the purpose of this portion of the meeting was to introduce the new Town Planner, discuss the proposed moratorium, roles of the Planning Board and Zoning Board of Appeals and answer general question that the Board's may have. Also, Attorney Reed introduced the Director of Planning - Maureen Harding. Maureen provided an overview of her background. The Director of Planning will be located in the office of Code Enforcement and Building Inspection and the extension for her is 208.

Attorney Reed provided the Planning and Zoning Board with a copy of the proposed local law for a moratorium. He provided a brief overview of the reason for the moratorium. Traffic is a concern and with the Comprehensive Plan being prepared, it is important to carefully review these issues in conjunction with the Plan. The consultants have been contacted and a copy of the

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 4, 2006

up-to-date comprehensive plan will be provided and the steps that are required to complete the plan. There are concerns that the County may not be concerned with the traffic in the Town of Big Flats. Supervisor Balland stated that she received telephone calls from County representatives that are concerned with the moratorium.

Attorney Reed stated concern with the subdivisions is due to the bulk and density requirements. This will have to be reviewed along with the comprehensive plan modifications. There is further concern with the development and empty space that may occur as a result of new development. Attorney Reed stated if the Local Law is passed – there is no backing down. The law will be in effect and continue for 6 months.

The authority of each board was discussed specifically that SEQRA (State Environmental Quality Review Act) is a resource for the board. The Planning and Zoning Board of Appeals should not feel rushed into making decisions.

With the discussion of development that is going to take place in the Town of Horseheads there is concern a majority of the impact with development is directly going to affect the Town of Big Flats.

Councilperson Frisbie made a motion, seconded by Councilperson Smith, to rescind Resolution No. 49-06. All in favor, motion carried.

RESOLUTION NO. 67-06 TEMPORARY STAFF SERVICES APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board authorizes the Town Supervisor to hire temporary help from the approved list of Jane King, Sheila Dilmore, Judy Kadlec and Kay Hall at a rate of \$8.12 per hour; Joanne Schucker at the rate of \$8.50 per hour and Deanne Williams at a rate of \$10.15 per hour as needed.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 7:00 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Michael Smith
 Edward Fairbrother
 David Manchester
 Dean Frisbie
 Attorney Thomas Reed
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting of January 11, 2006 to order and requested participation in the Pledge of Allegiance.

REPORTS

The following reports for December 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Ag & Markets Monthly Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report; Assessor's Monthly Report; Community Center Monthly Report; Supervisor's Fund Balance Report; and Parks Commission Minutes.

Supervisor Balland provided the Town Board with updates regarding the draft of the Comprehensive Plan; scheduled meeting for the proposed moratorium; and a reminder of a transportation meeting to be held on January 19, 2006 with NYS Department of Transportation (DOT).

Councilperson Manchester reported that a job description is being updated from 1960 for a proposed position at the Community Center.

Councilperson Smith reported a fence has been installed between Maple Shade Acres property lines and General Revenue Service (GRS); however, the verbal agreement discussed a colored fence to blend in with the natural surroundings. The lighting issue has been temporarily put on hold.

CONCERNS OF THE PEOPLE

Omar Qadeer explained his family owns a parcel between the two community parks that is approximately 8.8 acres of land that they would like to develop into middle class homes, office and retail space. Due to the property being zoned conservation, a zoning amendment is required. Mr. Qadeer felt that due to the fact that there is currently a hut located on this parcel, this area must have been zoned to permit residential.

Steve Teets, 10 Farr Lane, stated that over the weekend he was without water and tried to contact the Town Hall; however, there was no answer or a recording that explained there was a watermain break and the water was temporarily shut off.

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

Jonathan Byrski, 177 Yawger Road, asked what the plans were for Yawger Road. He explained that clay had been put on the road and it is coming through the stones. Larry Wagner – Commissioner of Public Works, explained that Yawger Road had potholes and rather than filling the potholes for a temporary fix, the Highway Department chose to raise the road and use creek gravel and stone to complete the project. The Highway crew has been working on the road and will continue tomorrow.

John Byrski, 297 Sing Sing Road felt it was not gravel, but clay. He also recommended that rather than raising the road the ditches be cleaned and maintained. Supervisor Balland reiterated that the highway crew is working on the road and asked the residents to be patient for the next day or two.

Bill O'Dell, 181 Yawger Road, asked if the Town had ever considered using geo-textile fabric. Mr. Wagner pointed out that above the bridge is private road and secondly, there is money to fix the road; however, not to pave it.

Paul Campbell, 200 Yawger Road, stated that approximately two years ago the bridge was replaced; however, the guide rails and dead end sign still sit in the grass next to the new bridge.

Christine Powell, 186 Sing Sing Road stated she had called and was told the guide rails would be reinstalled. Mr. Campbell asked why the fillings placed in Whitney Park were not used on Yawger Road? Commissioner Wagner answered that Yawger Road is scheduled for oil and stone next Summer.

Frank Dennison, 178 Yawger Road, stated that with low sitting cars there are times when the cars are actually acting like bull dozers and whose liability is it if the car is damaged? Attorney Reed explained that a written claim would have to be submitted to the Town Clerk and the appropriate procedures would take place.

Mrs. O'Dell asked why the road was not fixed in the summer instead of waiting until December. Commissioner Wagner explained that there were other roads in the Town that needed attention.

Steve Teets, 10 Farr Lane, stated that the Town of Big Flats has problems with the roads. It appears there are several ditches that are being filled and asked what the Town was going to do about these issues. Does the comprehensive plan show or plan for roads and ditches. Supervisor Balland explained that the Town tax dollars go toward roadway improvements. Mr. Teets acknowledged; however, asked if there is a preventive maintenance plan and who was reviewing the plan to see if the work is being completed? Supervisor Balland stated these are issues of the Department of Public Works. Mr. Jonathan Byrski stated that he spoke with the Department of Public Works and received no replies. Commissioner Wagner explained that last year a majority of the time the highway crew was working on Steege Hill Road due to damages during a rain storm.

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

It was pointed out, by Jonathan Byrski, that Yawger Road has several snow-drifts that need to be taken care of during the day; however, the snow drifts on Yawger Road were not touched for over three days. Mrs. Powell pointed out that the bridge is not plowed. Supervisor Balland asked the Highway Supervisor to look into the concerns regarding snow removal.

Councilperson Frisbie asked, if at this time, is Yawger Road safe. Commissioner Wagner reported it was and that school buses have begun to use Yawger Road. Councilperson Frisbie requested that Yawger Road be inspected to continue the safe passage.

The Town Board took a recess at 5:10 p.m. Supervisor Balland reconvened the meeting at 5:15 p.m.

Supervisor Balland pointed out that concerns have been received by local developers and County representatives regarding the proposed moratorium. She explained that it is a good time for a moratorium due to the facts that the draft comprehensive plan has been submitted, the Town hired a new Planner, and the review of the zoning will begin in the near future. There have been several discussions of widening and constructing a median on County Route 64, development of the former A&P Plant, infrastructure extension proposed for Airport Corporate Park South, and concerns with vacant buildings. Matthew Lyough asked if the Town Board was planning to rezone property? Maureen Harding – Director of Planning, explained that the recommendations by the Consultant would be reviewed; however, at this time it is too early to determine if rezoning is necessary.

Nancy Reidy, 260 Breed Hollow Road, expressed concern with the handicap parking toward the rear of the Community Center, the Town should consider having the back door unlocked. Supervisor Balland stated that this issue would be referred to the Director of the Community Center. Judy Zimmerman, Director of the Community Center, stated that the policy for the winter months, for snow removal it that the doors be locked.

Mark Watts, 2866 State Route 352, stated that he had not received the answers for his concerns regarding Soaring Ridge. Specifically the issues with regards to the letter of credit, erosion control measures, percolation testing, and number of phases. Supervisor Balland recommended that Mr. Watts contact her to schedule a meeting with her, the Attorney for the Town, the Planner and Code Enforcement Officer to discuss all outstanding issues.

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 68-06

CONTRACT WITH DOROTHY ANDREW LAVAGE, ART INSTRUCTOR APPROVED

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS the Community Center Director has determined and recommended that an Art Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Dorothy Andrewlavage for the purpose of teaching art classes at a cost of 100% of the fees collected and in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 69-06

CONTRACT WITH DEBBIE BLAUVELT - BASKET WEAVING INSTRUCTOR
APPROVED

Resolution by: Smith

Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Basket Weaving Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Debbie Blauvelt for the purpose of teaching basket weaving at a cost of the following:

Amy's Basket	\$25.00; Bee hive	\$18.00;
Bread basket	\$28.00; Casserole, 1 handle	\$32.00;
Casserole, 2 handle	\$37.00; Clothespin	\$20.00;
Easter	\$22.00; Elbow	\$18.00;
Emily's	\$18.00; Fancy Tool	\$20.00;
Grape gathering	\$35.00; Hattie's	\$25.00;
Heart (shallow)	\$18.00; Lazy Hearts	\$25.00;

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 69-06, CONTRACT WITH DEBBIE BLAUVELT continued

Lunch box	\$22.00; Magazine	\$26.00;
Monica's	\$25.00; Nancy's Market	\$28.00;
Napkin	\$22.00; Oval	\$23.00;
Picnic	\$30.00; Pie basket	\$25.00;
Small welcome	\$18.00; Wine, single	\$28.00; and
Wine, double	\$22.00 per person; and	

FURTHER RESOLVED said contract is approved in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 70-06
CONTRACT WITH JENNY DEAN FOR THE PURPOSES OF HOMEWORK/READING
TEACHER APPROVED

Resolution by: Frisbie
Seconded by: Smith

WHEREAS the Community Center Director has determined and recommended that a Certified teacher is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Jenny Dean for the purpose of conducting the Homework/Reading program at a cost of \$25.00 per session for January 1, 2006 through December 31, 2006 in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 71-06
CONTRACT WITH TRUDE DE JONG AS THE TAIJI INSTRUCTOR APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Taiji Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Trude de Jong for the purpose of teaching Taiji classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 72-06
CONTRACT WITH BONNIE FAULKNER - YOGA INSTRUCTOR APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Community Center Director has determined and recommended that a Yoga Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Bonnie Faulkner for the purpose of teaching yoga classes at the cost of \$25.00 per session in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 73-06
CONTRACT WITH SHEILA HUGHEY - DANCE INSTRUCTOR APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Community Center Director has determined and recommended that a Dance Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Sheila Hughey for the purpose of teaching Jitterbug dance classes at a cost of \$2.50 per student per class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 74-06
CONTRACT WITH DAVE PIZURA - DANCE INSTRUCTOR APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Community Center Director has determined and recommended that a Dance Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Dave Pizura for the purpose of teaching Jitterbug dance classes at a cost of \$2.50 per student per class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 75-06
CONTRACT WITH COLLEEN LaDELIA - PILATES INSTRUCTOR APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Community Center Director has determined and recommended that a Pilates Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Colleen LaDelia for the purpose of teaching Pilates classes at a cost of 70% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 76-06
CONTRACT WITH GENEVIVE TARANTELLI BALLROOM DANCE INSTRUCTOR
APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Community Center Director has determined and recommended that a Dance Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Genevive Tarantelli for the purpose of teaching Ballroom dance classes at a cost of \$5.00 per student per class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 77-06
CONTRACT WITH DEBBY THOMSON AS THE NIA INSTRUCTOR APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Nia Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Debby Thomson for the purpose of teaching Nia classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 78-06
CONTRACT WITH MEGHAN TUAZON AS THE NIA INSTRUCTION APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS the Community Center Director has determined and recommended that a Nia Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Maghan Tuazon for the purpose of teaching Nia classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 79-06
CONTRACT WITH CORNELL COOPERATIVE EXTENSION FOR THE PURPOSES OF
PROVIDING A MASTER GARDENING INSTRUCTOR APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Gardening Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Cornell Cooperative Extension for the purpose of teaching master gardening classes at a cost of \$50.00 per class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 80-011106
SUPPORT FOR 2006 RESOLUTIONS AT THE ASSOCIATION OF TOWNS MEETING
APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board has received numerous resolutions from the Association of Towns to be considered at their 2006 training school, and

WHEREAS the Town Board is in agreement with the resolutions, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board of the Town of Big Flats supports the adoption of the following resolutions submitted by the Association of Towns of the State of New York:

- Collateral Source Legislation;
- Tort Reform;
- Compulsory Binding Arbitration;
- General Municipal Law 207C Disability Benefits for Law Enforcement;
- Preserve Local Control over Health Insurance Benefits;
- Wicks Law and Prevailing Wage;
- Highway Funding;
- Reform Real Property Tax Exemptions;
- Reform Condominium Assessments;
- Special Franchise Assessment Litigation Charge-backs;
- Police Accident Report Fee Reform;
- Speed Limits on All Town Roads;
- Local Road Classification;
- ATV Use of Town Roads;
- Municipal Deposits in Credit Unions and Thrift Institutions;
- Registered Sex Offenders;
- Preservation of Local Government Authority to Utilize Eminent Domain; and
- County Charge Backs for Election Expenses.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 81-06

ATTENDANCE TO THE ASSOCIATION OF TOWNS TRAINING SCHOOL APPROVED

Resolution by: Balland

Seconded by: Frisbie

WHEREAS the Association of Towns will host their annual 2006 Training School & Annual Meeting on February 19-22, 2006 for Town Officers and Government Officials, and

WHEREAS it has been determined by the Town that representatives should attend said meeting, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Tom Reed - Attorney for the Town and Maureen Harding – Director of Planning to attend the Association of Towns conference with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 82-06

PLANNING BOARD CHAIRPERSON FOR 2006 APPROVED

Resolution by: Frisbie

Seconded by: Manchester

RESOLVE the Town Board appoints Mark Fleisher as Planning Board Chairperson for 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

RESOLUTION NO. 83-06
PUBLIC HEARING OF LOCAL LAW 2, 2006 APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with the training and attendance requirements for the Planning Board, and

WHEREAS said proposal requires an amendment of the Town of Big Flats Municipal Code, Chapter 17.72, Planning Board, Section 17.72.060 Term of Office, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on February 8, 2006 at 4:33 p.m. to hear comments regarding proposed Local Law No. 2 of 2006 titled "A Local Law of the Town of Big Flats regarding Training and Attendance Requirement for the Planning Board".

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 84-06
PUBLIC HEARING OF LOCAL LAW 3, 2006 APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with the training and attendance requirements for the Zoning Board of Appeals, and

WHEREAS said proposal requires an amendment of the Town of Big Flats Municipal Code, Chapter 17.60, Zoning Board of Appeals, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on February 8, 2006 at 4:35 p.m. to hear comments regarding proposed Local Law No. 3 of 2006 titled "A Local Law of the Town of Big Flats regarding Training and Attendance Requirement for the Zoning Board of Appeals".

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 11, 2006

CORRESPONDENCE

Zoning Matter/O. Qadeer. A letter was received from Omar Qadeer, President of Forums Development of America, LLC, dated December 23, 2005, informing Chuck Coons – Director of Code Enforcement that he would be attending the January 11, 2006 Town Board to discuss his proposed project.

Soaring Ridge Reply – M. Watts. A copy of the reply to Mark Watts, dated January 4, 2006, was received from Chuck Coons – Director of Code Enforcement, offering replies to his questions concerning Soaring Ridge letter of credit, erosion control measures, percolation test data, phases, and the final plat filing.

2006 PILOT Notices. The Town Board received a copy of the 2006 notices that were sent to the property owners who participate in the Payment-in-Lieu-of-Taxes (PILOT).

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session at 5:50 p.m. to discuss a particular personnel matter. All in favor, motion carried.

Supervisor Balland reconvened the meeting at 6:23 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 6:25 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 12, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Michael Smith
 Edward Fairbrother
 David Manchester
 Clerk Teresa Dean

ABSENT: Council Dean Frisbie
 Attorney Thomas Reed

Supervisor Balland called the Special Town Board meeting of January 12, 2006 at 1:00 p.m.

Clay Ambrose of Realty USA and Barrington Associates thanked Mary Ann and the Town Board for agreeing to meet with the group. He pointed out there appears to be a large diverse group; however, the common interest with everyone is the moratorium. Mr. Ambrose stated that at this time it does not make sense to pass a moratorium. The community is rapidly developing, NYS Route 17 is now an Interchange, Kahler Road interchange has been constructed and there are new subdivisions being approved. There are people who have worked hard to increase the community and they understand there are Town issues; however, a moratorium is not the answer.

Supervisor Balland explained that this meeting is an open discussion and those who have questions may address them.

George Miner, President of Southern Tier Economic Growth (STEG) asked why the Town Board is considering a moratorium. At first very few people knew about it and when it was discussed, it was mainly regarding County Route 64. However, he was recently informed that it was a Town wide moratorium that effects all commercial and industrial development. Supervisor Balland explained that the Town Board has talked about a moratorium for several months. The Town has just received the final draft Comprehensive Plan and after final revisions are made the Town Board will be reviewing zoning town wide. Recently Town representatives, along with the Town Board, have been informed of proposed development along State Route 352 and various other locations around the Town and these projects raised concerns.

Tom Tranter, former County Executive and now representing Corning Incorporated, briefly reviewed various sites Corning Incorporated has in the Town of Big Flats and they also have several residents in the Town of Big Flats. Mr. Tranter expressed concerns with the message that is going to be sent to the region and feels it is the wrong message. Mr. Tranter stated that he and Corning Inc. have always been advocates for Big Flats and are looking at projects such as life science and with the moratorium this will not happen. If the problem is traffic on County Route 64 then let's look at that. Supervisor Balland stated that this is the concern that is being expressed; however, there are many more concerns. County Route 64 was only one part of the equation; there is also the amount of land designated for commercial development currently and in the future.

Mr. Miner pointed out that everyone has jobs that require multi-task and we cannot just stop new projects; therefore, why can't the Town do the same.

MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 12, 2006

David Lubin, L Enterprises, asked what had changed? There has been talk about taking down the A&P Plant for over two years and a comprehensive plan was done over 10 years ago. Supervisor Balland stated zoning is something the Town is dedicated to and it will be revisiting. Maureen Harding, Town Planner, stated it is a normal practice to revisit a comprehensive plan. Mr. Miner stated they typically revisit their plans annually and they cannot stop all development.

Jeff Yunis, Attorney, asked how the current system failed the Town? Supervisor Balland stated that the Town Board does not believe it has failed. Mr. Yunis asked how the system failed so that it caused a moratorium to be fixed. Supervisor Balland explained that the Planning and Zoning Board members are volunteers and they are not charged with keeping the zoning up-to-date. The new plan is different than 1999. In 1999 it was a land use plan not a comprehensive plan. We cannot ask the Planning Board to keep the zoning current.

Art Ambrose of Realty USA and Barrington Associates stated he understands but is a moratorium necessary to review the comprehensive plan and zoning. Supervisor Balland stated that the Town Board has not made a final decision, we are continuing to look at it and make a decision after the public hearing. Mr. Ambrose stated many of the people in the room have tried to assist Big Flats and pointed out that Big Flats has become a retail community.

Ms. Harding stated that the impacts are being imposed in the Town of Big Flats and there is concern the infrastructure may not be in place to support all of these projects. Mr. Ambrose stated that County Route 64 is not Big Flats responsibility; it is owned and maintained by the County. Supervisor Balland stated that these issues have been discussed and there are projects popping up all over the Town and these projects are in need of sewer and other specifics.

Thomas Santulli, Chemung County Executive, stated that they do not agree but are sensitive to the problems. There has been tremendous growth and we have all been a part of it, so let's step back and look. If County Route 64 has not been done correctly. Let's look at it. Mr. Santulli pointed out that to get an honest answer on what needs to be done is impossible. Lots of money has been spent and it is true that County Route 64 has been a problem. Part of the problem is that we have been working on this for a long time and we need to speak to the people who are able to review and determine a solution. Mr. Santulli felt a moratorium is the worst thing to do, especially when the County has been working to try and save the community. The residents expect us to stop running around in circles and do something to resolve issues. Mr. Santulli requested that the Town of Big Flats not do a moratorium and not send the message that Chemung County is out of business. He is sensitive to those who live in the area and communication needs to be improve in order to fix these issues. Let's talk about solutions and not long range studies.

Supervisor Balland stated that she had spoke with Tim Von Neida about County Route 64. She also stated the Town of Big Flats and Town of Horseheads had submitted a shared grant to have area studied on County Route 64 from the Town of Horseheads (A&P Plant) to it's intersection with State Route 352. Supervisor Balland also pointed out that the Town Board hears from residents on County Route 64 who state that they cannot get out of their driveways. This includes people who use the side roads. The Town is thrilled to have residential housing. She also pointed out that the Town of Big Flats is the largest generator of sales tax but the Town of

MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 12, 2006

Horseheads gets double what the Town of Big Flats receives. For Big Flats all of the money received, minus \$29,000.00, goes to the highway department.

Mr. Tranter stated the Town has identified problems but also has some solutions for those issues and reiterated a moratorium is not needed to make these corrections.

Stu Schweizer, Schweizer Aircraft, stated that his family business has been part of the community for over 65 years. They have been loyal to the community and county and two years ago when they made the decision to sell the company one of the issues was that who ever purchased the business would have the same loyalty to the community and county. Since the sale of the company there has been an increase in employment and sales with an anticipation of an increase for 2006. However, there is a new project in the near future and it would be devastating to the company if they could not grow in the community. A moratorium is a real problem. Supervisor Balland stated the Town Board is dealing with what is reality and cannot account for what they do not know about.

Marty Metzger, Silicon Carbide Products, stated that they have been in the Town of Big Flats since 1994 and picked Big Flats due to the nice community. Since then business has grown rapidly and an addition was placed on the building; however, at this time they have outgrown the addition and are in the process of using trailers and leasing space. In two years the business has more than doubled. Mr. Metzger stated he understands the Town does not want to lose community setting but encouraged the Town Board make a determination on a case-by-case basis. Some business owners cannot disclose information, they have to do research after research and once the opportunity comes forward they have to move ahead. Mr. Metzger felt that the Town Planning Board did a thorough review. Once the Town of Big Flats makes the decision to stop it may be hard to restart.

Carl Carson, Arnot Realty Corp, stated when you own land you have to feed it. If you have an opportunity to get a return on the land you have to take it and the opportunities may come prior to the Town conducting these variety of studies. Projects take 4-5 months to get ready for the Planning Board. Supervisor Balland stated that if the moratorium is passed, the Town Board has made a commitment of 6 months and will not renew.

Mr. Carson stated that traffic studies try to identify where the traffic is coming from and pointed out that the market study has not changed one bit, it comes from the same area. Therefore, where is the new traffic?

Ms. Harding explained that Big Flats is similar to an area in Buffalo where there was a huge population loss and developers continued to consume more land. A primary reason for a moratorium is to determine what is going to be done to accommodate the growth. It appears that more applications are being received than what can be handled and now is a good time for the Town to stop and take a look. Mr. Miner reiterated that now is not the time to stop.

MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 12, 2006

Mr. Santulli stated that County is struggling to stay alive and he hopes the message the Town sends is the right one. If the Town is overwhelmed then, let's do something about it. Supervisor Balland pointed out that the Town of Big Flats has just over 7000 residents; however, has two full time code enforcement officers, a planner, and secretary and no other town in Chemung County has that. The Town of Big Flats has to deal with these issues and unfortunately the taxpayers are the ones who are paying for the increase in expenses.

Mr. Lubin stated that if the residents are complaining then why isn't the Town Board considering stopping residential, as it is those people who are choosing to live here. Supervisor Balland explained the Town Board conducted and received surveys that show these issues as a concern.

Mr. Ambrose summarized by saying a moratorium is a bad word, and recommended the Town focus on trouble areas, judge developments on case-by-case basis and do these tasks concurrently. He also engaged people to help the Town and those who are able to disclose information and include the Town.

Ezra Wolcott, various Town property owner, stated he has been part of the community for over 65 years and his impression is the problem is civil engineering. Supervisor Balland pointed out that if the moratorium was not a factor and developers are told the timeframe to get onto the application committee is 6 months, the developers would be back.

Supervisor Balland reiterated the Town Board would carefully review these issues and take the comments into consideration. Mr. Santulli stated a meeting with NYS Department of Transportation is being held next week and the meeting would not adjourn until issues with County Route 64 are resolved. Let's work together and get it done.

Mr. Art Ambrose pointed out that there is a lot of talent in the room and encouraged the Town Board to view growth as an opportunity.

Councilperson Fairbrother reiterated that the concerns are not only County Route 64, it is also State Route 352, Sing Sing Road, and Olcott Road. Supervisor Balland thanked everyone for coming and adjourned the meeting at 2:00 p.m.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 20, 2006

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		Dean Frisbie
		David Manchester
		Michael Smith
	Attorney	Thomas Reed
	Clerk	Teresa Dean

Supervisor Balland called the Special Town Board meeting of January 20, 2006 to order at 1:05 p.m. and explained that this meeting was called to discuss the pros and cons of the proposed moratorium and two particular personnel issues.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session at 1:07 p.m. to discuss particular personnel matters. All in favor, motion carried.

Supervisor Balland reconvened the Special Town Board meeting at 1:31 p.m. and explained that January 23, 2006 she will be meeting with Stu Schweizer and George Miner to discuss the proposed moratorium. A separate meeting will be held with Tom O'Mara to discuss the possible expansion of Synthes building. Supervisor Balland recommended the Town Board consider a Town wide moratorium, exclude residential housing, retro of existing vacant retail structures, not include manufacturing and stop all retail Town wide.

Attorney Reed suggested the Town Board identify the concerns to be addressed during the 6-month period. Secondly, are these concerns that can be addressed during a 6-month period. Are these issues necessitate a moratorium to halt and look at everything that is going on?

The Town Board decided to list concerns that would require a moratorium:

- Traffic to include the following roads – NYS Route 352, County Route 64 to include Main Street, Sing Sing Road, Chambers Road, Kahler Road South, Olcott Road South, Hammond Street, Winters Road, Harris Hill Road, Colonial Drive;
- Critical areas of traffic concerns – County Route 64, Chambers Road South (Arnot Mall area);
- Concern with the overall picture, not specifically each individual project;
- Emergency response services;
- Economic impact – traffic concern, so bad that it is affecting the Town;
- Planning and Zoning Boards;
- Planning and zoning concerns with Airport property issues, specifically the concerns regarding non-taxable property;

- Economic impact – assessment values (example – assessment is approximately 20,000 lower due to the location) Chase Pitkin, Wal-Mart – concern with other smaller stores lease may be affected by Wal-Mart leaving the Consumer Square area;
- Vicinity of Kahler Road and Sing Sing Road – Airport Business Development (ABD) District and the relocation of Sing Sing Road;
- Proposed development and the use of NYS Route 352;
- Lack of infrastructure – sewer and water; and
- Concerns with proposed manufacturing that would require large demands of water that would affect the Town and potentially require additional water tanks and pump houses.

Supervisor Balland stated the next meeting would be to discuss public comments that raise concern and narrow the scope of the moratorium.

Supervisor Balland stated that the Youth Commission Liaison, Personnel Committee and she would be meeting with Robert Thorborg, former Chairperson of the Youth Commission, to discuss the status of the Youth Department programs. Councilpersons Frisbie and Fairbrother were excused from this portion of the meeting.

Supervisor Balland, along with Councilpersons Manchester and Smith and Youth Commission Chairperson Bob Thorborg had a lengthy discussion regarding the past, current and future of the Youth Department and Youth Commission.

Since there was no further business to come before the Board, the meeting was adjourned.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 David Manchester
 Michael Smith
 Attorney Thomas Reed
 Clerk Teresa Dean

ABSENT: Council Dean Frisbie

Supervisor Balland called the Town Board meeting of January 25, 2006 to order at 7:00 p.m. and requested that all those present please stand for the Pledge of Allegiance. Councilperson Frisbie was absent due to being out of Town.

Supervisor Balland the proposed moratorium is not anti state, county – ongoing dialogue with all agencies. Big Flats residents and improve flow of traffic. More than just a county route 64 issue, also sing sing road, economic and zoning.

PUBLIC HEARING 7:05 p.m. Local Law 1, 2006, Temporary Moratorium

Supervisor Balland called the Public Hearing to order at 7:05 p.m. and read the legal notice published in the Elmira Star Gazette on January 16, 2006 to allow and consider public comments concerning proposed Local Law 1, 2006 titled “Temporary Moratorium on the Processing, Review of and Making Decisions on all Applications for Site Plan Approval, Special Use Permits and Variances Relative to all Business and Industrial Uses in the Town of Big Flats”.

IN FAVOR:

Robin De Lill Stroman, resident of Chemung County, living in the Town of Chemung, explained that she was here to address the Town Board with regards to the proposed moratorium and commercial development within the County. Ms. Stroman briefly reviewed Section 272 (a) of Town Law regarding a Town Comprehensive Plan and stated by waiting to consider more development until the Town Comprehensive Plan is complete the Town Board would be heeding the mandate of the State legislature. Therefore, she urged the Town Board to adopt the moratorium.

Mary Knapp, 1826 County Route 60, commended the Town Board for being proactive and that she fully supports a moratorium. Ms. Knapp explained that she had attended the Montessori School on Winters Road and traveled County Route 64 several times. She had witnessed the traffic congestion and it has only continued to get worse; therefore, she encouraged the Town Board to pass the proposed moratorium and not buckle under pressure by the County.

Frank Rose, 10 Vixon Circle, stated that he felt a temporary moratorium is necessary until the State and/or County provide funding to fix the problems on County Route 64 and continue to provide funding. Mr. Rose stated he was not anti-development and recognize we need jobs but, at what cost. The Town Board needs to determine that the development is done right, that the sacrifice is rewarded with reduced taxes and increased services and third that current and future development does not increase or create any problems.

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

Mike Nicolo, 458 Sing Sing Road, pointed out that a former resident, Patricia Smith cautioned the Town Board that this would happen. He is in favor of it since this is the only option that is before the Town.

Linda Sue Stevens, Town of Chemung, congratulated the Town Supervisor and Town Board for taking these actions. Ms. Stevens felt County Executive Santulli had other issues that needed to be dealt with rather than bullying the local Town Board. A moratorium would allow the Town to look at the environmental impacts and both County and Town representatives need to take action that will make Chemung County a safe place to live.

Ann Welles Hameister, resident of County Route 64 stated she was in favor of the moratorium to take a look at what is there and find out where the Town wishes to proceed.

OPPOSITION:

Carolyn Welliver, 107 Lyons Drive Ext., explained that she is a small business owner who depends on new businesses with young working families coming to this area. With the manufacturing businesses leaving this area, if STEG and the County are not allowed to continue with development to bring in higher paying jobs, where will that leave this area. A 6-month moratorium will result in construction being stopped for more than 1 year. The Town needs to determine the problems and address the issues rather than closing down all building projects. No other business stops or closes down their main department so that they can learn about their job before the person has to participate in business. Mrs. Welliver reiterated that all areas with community development have problems but they do not shut down.

Jerry Welliver, 107 Lyons Drive Ext., explained that he attended a meeting with State representatives that addressed issues on County Route 64 as far as safety is concerned. Thus, we should capture that opportunity by requesting a speed limit reduction on County Route 64 and for the Town to request the hiring of two police officers to only conduct traffic control in high volume areas.

John Heitmann, 2 Fawn Lane, briefly reviewed his history of participating on site seeing teams for selecting a location for factories. With New York State being one of the costly states to locate a facility and by advertising that the Town of Big Flats is conducting a moratorium, it may have a long-term ramification that the Town does not foresee. It is clear that we need a lot more planning and work mitigating the traffic concerns addressed; however, a moratorium may have a long-term effect.

George Miner, 19 Woodland Drive, President of Southern Tier Economic Growth, Director of the Chemung County Industrial Development Agency, Administrator of the Empire Development Zone, appreciates concerns with traffic in the Town of Big Flats but does not believe that a moratorium is necessary. There are currently websites that identify that the Town of Big Flats is in the process of considering a moratorium. The Town of Big Flats is an ideal location for development, specifically with its proximity to the Airport and numerous access to Interchange 86. Mr. Miner explained that Wegmans has an additional ten-year lease and a moratorium would not permit a business to consider this location due to the fact that any changes

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

would require planning board review. If the Town Board is considering a moratorium to eliminate new economic development like those that are in the Airport Corporate Park then the Town Board is considering a negative ramification on the community, residents, the Town, County, State and Region.

David Kartzman, 69 Olcott Road North, explained that he has lived in the Town of Big Flats since 1991 and he settled in this area due to the community. Recently they purchased a building on Maple Street to build businesses that are needed and consistent with the spirit of the Town. He explained that he has prior experience with converting houses to commercial development and as such felt that by doing this they assist the Town, community and County. When they purchased the property, there was no moratorium under consideration; however with the project currently running in a deficient a moratorium would further delay the review of the project and may result in a significant deficient.

Jim Bruner, resident of Big Flats for approximately 20 years, stated that he is not in favor of a moratorium and pointed out the Town of Big Flats is the only shining star for Chemung County. He concurred that there are traffic issues; however, these can be studied and the issues resolved. Prior to the development in Big Flats people would have to travel to other areas; however, now people can stay in their own Town. Stopping development is crazy – development must and will continue. Mr. Bruner stated that he wants the Town of Big Flats to grow and prosper.

David Lubin, Developer of Big Flats, stated he is having trouble with the moratorium. After traveling on County Route 64 everyday he feels that there is no issue. A moratorium will not stop traffic, it will only draw traffic to Horseheads – the former A&P Plant and continue to use County Route 64. Everyday there are more and more houses being built in Big Flats. If people do not like the traffic than why are they building here? If it does not happen here it will happen next door. The Town has had comprehensive planning and there have been areas identified for no change; however, why have a Town wide moratorium.

Tom Guile, Maple Valley Farm Market, pointed out that there has to be a balance that is good for the community and makes things grow in a positive way. Mr. Guile felt there are good and bad points to each and believes the community is looking for something positive for the Town of Big Flats. Look at it in a way that has positive economic impact so that our money stays here. If we do not protect what we have, we will loose it. Mr. Guile suggested that maybe we need to look at something different – a business that will be here for long term and not just a few years. That will bring positive, healthy productive resources to the community.

Ernie Hartman, 611 County Route 64, stated that a moratorium would not slow down or diminishes the traffic but deter good economic paying jobs.

Craig Perry, 26 Somerset Drive, stated that he has lived in New York his whole life and saw several cities that have been dying. Big Flats is a great opportunity, it is unique. There are several reasons Big Flats is picked for development. To use a moratorium may be a rash decision and scare off what is in the future.

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

Bern Lytle, Pastor Wesleyan Church, opposes a moratorium and feels that the community has suggestions and means for fixing this area. He encouraged the Town Board to look around and draw upon the community for help to find a resolution. A long-term effect on stopping growth would be negative. Mr. Lytle stated this is a challenge not a problem.

Jack Moore, Attorney with an office on Lake Street in Elmira, stated that he has been dealing with development in the Town of Big Flats since the early 1970's. He felt the Town of Big Flats Planning Board is and has been very professional and felt they were doing their job in a very planned way, along with a new planner who appears to have come in with her feet on the ground and ready to work. Upstate New York is a difficult place to attract business and when discussing these issues with several agencies and developers there was not one person in favor of a moratorium. A moratorium sends the wrong message for this area to potential development and Mr. Moore asked the Town Board to keep in mind when casting their votes you are a resident of the Town of Big Flats and the County of Chemung.

COMMENTS:

Betty Johanson, 648 County Route 64, stated that she has seen traffic problems and understands what is being said about the development and businesses. However, after living on County Route 64, she has seen too many accidents. There are several children in this vicinity that are waiting for buses. She encouraged the Town Board to think of people who are already living here – on County Route 64 and in the Town of Big Flats.

Susan Betser, 545 County Route 64, concurred with Betty Johanson and expressed further concern with the road feeding into County Route 64 and also with Kahler Road South.

Steve Teets, 10 Farr Lane, stated that his concern was with the safety and welfare of the residents and further stated that it was not fair for business to infringe on the neighborhoods.

Mrs. Welles Hameister stated that traffic was not the only issues with development, there is also the issue of crime, sustainable growth and something that is here for the long term; quality not quantity.

Bruce Hatfield, 537 County Route 64, agreed that there are problems and they need to be addressed. Traffic is not the only issue, there are issues with runoff that need to be addressed with or without a moratorium.

John Kotch, 61 West Hill Road A, stated that he purchased his property due to the setting and his interest in astronomy requested that no matter what decision the Town Board made that they take into consideration the quality of light.

Albert Werner, 14 Rosewood Road, stated that he has been a resident of the Town of Big Flats for 42 years and explained that everyone has the same things in common – the past, present and future. The past is gone and we cannot fix it, the present is what we make of it; however, we can do something about the future. Mr. Werner briefly discussed Middletown and it's similarities to the Town of Big Flats. The residents, the ones who live here, should not be forgotten.

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

Daniel O'Brien, County Legislature, explained that he was on the Town Board for approximately 13 years and stated that he was impressed at how the word moratorium opened the lines of communication and felt the Town Board should continue these lines of communication with the various County, State representatives and residents.

Jim Appier, 87 Hillview Drive, stated that he was against the moratorium, specifically due to the word "moratorium" and suggested the Town Board consider changing the name and identifying the specific areas that need to be addressed.

Al Registro, 6 Green Valley Drive, briefly explained why he came to Chemung County and the Town of Big Flats and briefly provided a short history of the Town. Mr. Registro explained that he has worked with children for several years and feels that Big Flats is a beautiful place to live and work. He also explained that he agrees with a moratorium due to the fact that this area is getting overcrowded.

Since there were no further comments, the Public Hearing was closed at 8:30 p.m. and Supervisor Balland declared a brief recess.

Supervisor Balland reconvened the Town Board meeting at 8:50 p.m.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to approve the minutes of December 14, 2005 as presented. All in favor, except Councilperson Frisbie was absent and Councilperson Manchester abstained. Motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to approve the minutes of December 28, 2005 as presented. All in favor, except Councilperson Frisbie was absent and Councilperson Manchester abstained. Motion carried.

Supervisor Balland made a motion, seconded by Councilperson Manchester, to approve the minutes of January 4, 2006 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to approve the minutes of January 11, 2006 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to approve the minutes of January 12, 2006 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

OLD BUSINESS

Local Law 1, 2006, Temporary Moratorium. Supervisor Balland explained that this item is tabled.

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

Letters concerning the proposed moratorium were received from the following:

- CemeCon, dated January 9, 2006, of 500 IST Center, Suire 1, Horseheads;
- Grand Central Plaza, Inc., dated January 10, 2006, of 416 East Church Street, Elmira;
- Southern Tier Economic Growth, dated January 10, 2006, of 400 East Church Street, Elmira;
- Scott and Loni Kula, dated January 11, 2006;
- Dalrymple Gravel & Contracting Co., Inc., dated January 11, 2006, of 2105 South Broadway, Pine City;
- Orthstar Incorporated, dated January 11, 2006, of Airport Corporate Park, Big Flats;
- Realty USA, dated January 13, 2006, of 411 W. Church Street, Elmira;
- Chemung County Planning Board meeting minutes of January 19, 2006;
- Elmira Real Properties, Inc. 328 Panosian Corporation, dated January 22, 2006, of 111 N. Main Street; and
- Wegmans Food Markets, Inc., dated January 18, 2006 of Rochester, New York.

NEW BUSINESS

RESOLUTION NO. 85-06 TEMPORARY STAFF SERVICE APPOINTMENT APPROVED

Resolution by: Manchester

Seconded by: Fairbrother

WHEREAS the Town Board adopted Resolution 67-06 relative to the appointment of Temporary Staff Services, and

WHEREAS the Town Supervisor and Personnel Committee have determined that said resolution requires an amendment, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board rescinds Resolution No. 67-06, Temporary Staff Services, and

FURTHER RESOLVED the Town Board authorizes the Town Supervisor to hire temporary help from the approved list of Sheila Dilmore, Judy Kadlec, Peggy Zelko and Grace Hager at a rate of \$8.12 per hour; Joanne Schucker at the rate of \$8.50 per hour and Deanne Williams at a rate of \$10.15 per hour as needed.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland

NAYS: None

ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

RESOLUTION NO. 86-06 2005 ACCOUNT PAYABLES APPROVED

Resolution by: Fairbrother

Seconded by: Smith

RESOLVE the Town Board approve the following 2005 Account Payables:

GENERAL FUND

BBD Fulfillment	A1670.0400	\$ 734.74
BBD Fulfillment	A7140.0400	\$ 103.67
Briggs Appraisal	A1355.0400	\$ 580.00
Coyne Textile Services	A1620.0400	\$ 66.76
W.J. Farmer Insurance	A1910.0400	\$ 75.00
Highway Fund	A8021.0400	\$ 97.75
	A7110.0400	\$ 81.18
Laberge Eng. & Consult.	A1440.0400	\$ 3,000.00
Laughlin Signs & Novelties	A1010.0400	\$ 71.00
	A1110.0400	\$ 10.00
	A8010.0400	\$ 20.00
	A8020.0400	\$ 25.50
	A8021.0400	\$ 59.45
Nova Information Systems	A1110.0400	\$ 34.19
NYS Ret & Employers Sys	A9010.0800	\$57,791.81
NYS Unemployment Ins.	A9050.0800	\$ 4,320.00
Pitney Bowes	A1670.0400	\$ 585.00
S&S Signs & Safety	A3310.0400	\$ 32.00
Staples	A1670.0400	\$ 94.10
	A1410.0400	\$ 13.99
	A1220.0400	\$ 19.93
	A1355.0400	\$ 16.74
	A8020.0400	\$ 5.54
Vasco Brands, Inc.	A7140.0400	\$ 52.68
Verizon Wireless	A8021.0400	\$ 53.20
	A1355.0400	\$ 20.15
	A7310.0400	\$ 19.59
Xerox	A1110.0400	\$ 59.74

HIGHWAY FUND

Bradco Supply Co.	D5130.0400	\$ 2,755.79
Cargill Inc.	D5142.0400	\$ 3,623.37
Champion Fasteners Inc.	D5130.0400	\$ 80.58
Chemung Supply Corp.	D5110.0400	\$ 357.11
Frey Whellman	D5130.0400	\$ 305.56
Griffith Energy	D5142.0400	\$ 3,693.41
	D5110.0400	\$ 957.78
S. C. Hansen Inc.	D5130.0400	\$ 36.36

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

RESOLUTION NO. 86-06, 2005 ACCOUNT PAYABLES APPROVED continued

Johns Truck Ser. & Repair	D5130.0400	\$ 21.00
NYS Ret & Employers Sys	D9010.0800	\$45,634.32
NAPA Auto Parts	D5130.0400	\$ 699.84
Narde Paving Co., Inc.	D5110.0400	\$ 1,304.65
Nu-Way	D5130.0400	\$ 210.50

TRUST AND AGENCY

Fra Engineering Code Serv.	T0093	\$ 440.00
	T0093	\$1,640.00

WATER FUND

Blair Supply Corp.	S18340.0400	\$ 194.49
	S28340.0400	\$ 194.49
	S38340.0400	\$ 74.10
Eastern Lab. Services, Ltd.	S18320.0400	\$ 76.88
	S28320.0400	\$ 107.63
	S38320.0400	\$ 30.75
	S48320.0400	\$ 15.38
NYS Ret & Employers Sys	S19010.0800	\$7,300.00
	S29010.0800	\$7,300.00
	S39010.0800	\$2,670.73
	S49010.0800	\$ 534.14
EJP, Inc.	S18340.0400	\$ 417.22
	S28340.0400	\$ 417.22
	S38340.0400	\$ 158.95
Highway Fund	S18310.0400	\$ 130.40
	S28310.0400	\$ 130.40
	S38310.0400	\$ 47.71
	S48310.0400	\$ 9.53
NAPA Auto parts	S18310.0400	\$ 13.88
	S28310.0400	\$ 13.88
	S38310.0400	\$ 5.07
	S48310.0400	\$ 1.03
USA Bluebook	S18340.0400	\$ 80.53
	S28340.0400	\$ 80.53
	S38340.0400	\$ 29.47
	S48340.0400	\$ 5.89

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
 NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

RESOLUTION NO. 87-06
EACHER HOLLOW HILL ROAD SPEED LIMIT INVESTIGATION APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS due to the increased housing development and layout of the road on Eachers Hollow Road Town residents have verbally requested a reduction of the speed limit on Eachers Hollow Road, and

WHEREAS the Town Board determines the speed limit investigation request to be adequate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation of Eachers Hollow Road.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 88-06
2005 GENERAL FUND BUDGET AMENDMENT APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS the Town of Big Flats has received the reimbursement in accordance with the 2005 Chemung County for the Youth Preventative Services in the amount of \$149,659.00 which requires a budget amendment to the General Fund, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board approves the following budget amendment:

Increase Estimated Revenues	A0510	\$149,659.00
Increase Youth Recreation Services – Other Gov't		\$149,659.00
Increase Estimated Appropriation	A0884	\$149,659.00
Increase Library	A7140.0400	\$149,659.00

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

RESOLUTION NO. 89-06
VOID CHECK AUTHORIZATION APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board issued Check #2763, dated August 26, 2005 in the amount of \$3,099.05 to the Chemung County Treasurer for refund of a Tax Certiorari, and

WHEREAS the Tax Certiorari refunds are part of the annual chargebacks from Chemung County and thus said check was not warranted, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void Check #2763, dated August 26, 2005 in the amount of \$3,099.05 issued to the Chemung County Treasurer.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 90-06
2005 HIGHWAY FUND BUDGET AMENDMENT APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Town Highway Budget is over budget and requires an amendment, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board approves the following budget amendment:

FROM:

Fund Balance	D0909	\$55,400.00
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TO:

Increase Appropriation	D0960	\$55,400.00
Machinery and Equipment	D5130.0200	\$55,400.00

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

RESOLUTION NO. 91-06
2005 LIGHTING DISTRICT FUND BUDGET AMENDMENT

Resolution by: Manchester
Seconded by: Smith

WHEREAS the Town Lighting District Budget is over budget and requires an amendment, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board approves the following budget amendment:

FROM:			
Fund Balance	SL0909		\$250.00
TO:			
Increase Appropriation	A0960		\$250.00
Increase Street Lighting	SL5182.0400		\$250.00

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 92-06
ABSTRACT OF AUDITED VOUCHERS FOR JANUARY 2006 APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for January 2006, vouchers 3886 - 3983, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$148,653.65
HIGHWAY FUND	\$101,763.21
WATER DISTRICT #1	\$ 16,059.12
WATER DISTRICT #2	\$ 15,967.82
WATER DISTRICT #3	\$ 5,845.78
WATER DISTRICT #4	\$ 1,072.69
LIGHTING DISTRICT	\$ 696.68
CAPITAL PROJECT #8	\$ 7,269.45
TRUST & AGENCY	\$ 3,378.57

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

CORRESPONDENCE

Meeting Minutes/RAMS. A copy of the meeting minutes of November 29, 2005 were received from the Rural Association of Mayors and Supervisors.

MINUTES OF TOWN BOARD MEETING OF JANUARY 25, 2006

Organizational Meeting/BF Fire District No. 1. A letter was received from Linda van der Grinten, dated January 13, 2006, informing the Town Clerk of the Fire Commissioners, Secretary/Treasurer appointment, and meeting dates for Big Flats Fire District No. 1.

Yawger Road Notices. Notices were received on January 17, 2006 with regards to Yawger Road and the substandard repair work.

House Concerns/E. Eggleton. A letter was received from Elizabeth Eggleton, dated January 16, 2006, regarding her concern with the condition of houses adjacent to her property on County Route 64.

RESOLUTION NO. 93-06
SPECIAL TOWN BOARD MEETING APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined that a special meeting is necessary, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board sets a Special Meeting Town Board for Monday, January 30, 2006 at 4:30 p.m.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

CONCERNS OF THE PEOPLE.

Steve Teets, 10 Farr Lane, stated that since the recent water main break on County Route 64 there appears to be a lot of debris buildup and the water is draining onto County Route 64.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester to adjourn the Town Board meeting at 9:05 p.m.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 30, 2006

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		Michael Smith
		David Manchester
		Dean Frisbie
Attorney	Thomas Reed II	
Clerk	Teresa Dean	

Supervisor Balland called the Special Town Board meeting at 4:30 p.m.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother to enter into Executive Session at 4:30 p.m. to discuss the proposed contract for the Highway Department. All in favor, motion carried.

Supervisor Balland reconvened the Special Town Board meeting at 5:16 p.m. and explained that this meeting is a continuation of the previous meeting where the Town Board identified items of concern.

Supervisor Balland added the concern of empty buildings. Once these buildings are empty the assessment will decrease and as a result the assessment value for the Town of Big Flats would decline.

Traffic mitigation should be a major concern with all applications, specifically those project near and/or on County Route 64 and any/all large subdivision development projects. Representatives of New York State Department of Transportation stated that when Target opens, there would be at least four traffic lights that would fail.

Other concerns that have been raised since the previous meeting were light spillage and drainage. The Town of Big Flats will be facing financial obstacles with assessment changes, updating of annual assessments, legal fees that may be associated with assessment challenges, upcoming mandated fire inspections, and potential increase use on the Town water system.

The Town needs to determine what Airport Corporate Park on the south side of Interstate 86 would be once the area has reached full build out.

Supervisor Balland pointed out there are eight hot spots within the Town of Big Flats that need to be addressed by discussing zoning.

The purpose of a moratorium is to stop anything that is coming that may affect the future. What is the reasonable likelihood or realistic issues that need to be addressed? A lengthy discussion was held regarding the distribution of the sales tax funding.

Supervisor Balland asked if the consensus of the Town Board was that a moratorium exclude single family houses.

MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 30, 2006

Under the moratorium what are the most critical issues that need to be addressed. The issues can be identified and tailor it so that the areas of concern are identified and not the entire Town of Big Flats.

Planner Harding explained that retail and commercial are traffic generators. Residential is not a traffic generator and a traffic problem until there is a place for them to go.

Supervisor Balland identified three developments that would allow someone to move to the Town of Big Flats and be able to afford to live within the Town of Big Flats. If there is a retail development, typically due to the salary schedule a person would not be able afford living in the Town.

New York State Department of Transportation studied the three traffic signals from Applebees to NYSEG (A&P Plant) and on Saturday the traffic signal failed at Chambers Road. Once Target opens, there will be three more signals that will fail. When Walmart opens at the A&P Plant that will also fail; however, the signal at Applebees will not fail. Therefore, the County Executive has asked what needs to be done to fix it and he has indicated that he would discuss these problems with the developers within this area.

Problem areas identified as critical are County Route 64 – Business District to property along Chambers Road, Commercial Light Industrial District on the eastern end of the Town, Airport Business District (Chambers Road areas), Chambers Road – Airport Business District that would adjoin Retirement Estates, Hamlet – Industrial District, Airport Corporate Park South, all development along County Route 64 that causes a traffic impact, and NYS Route 352 west of the Conservation District that causes a traffic impact.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother to set a special Town Board meeting for Thursday, February 2, 2006 at 5:30 p.m. All in favor, motion carried.

Chase Pitkin and Arnot Mall areas would be excluded if the construction does not change the blueprint of the structure.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the meeting at 7:20 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF FEBRUARY 2, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 David Manchester
 Mike Smith
 Attorney Thomas Reed II
 Clerk Teresa Dean

ABSENT: Council Dean Frisbie

Supervisor Balland called the Town Board meeting to order at 5:30 p.m.

A lengthy overview was given regarding the individual meetings with New York State Department of Transportation, with Mr. Ambrose, and the Deputy Executive and Chemung County Youth Department. Several meeting were held with Schweizer Aircraft, Arnot Realty and various other businesses.

NOTE: Councilperson Frisbie arrived at 5:40 p.m.

Attorney Reed provided the Town Board with a copy and an overview of the proposed moratorium law. The consensus was that traffic is not the only issue for a moratorium, it also includes zoning. The Town Board has the capability to require developers to perform demolition of vacant properties prior to constructing new buildings. This would eliminate vacant buildings. Development impact fees were considered that would offset the cost of road improvements, traffic signals, new wells when the water supply is used, extension or increase the size of the water line pipes.

At this time Airport Corporate Park has not considered a traffic plan and the Town Board would prefer to review the infrastructure plans during the moratorium process. Members of the Planning Board recommended that Airport Corporate Park South be included in the moratorium critical area. The concern of the development impact fees was addressed due to the fact that at this time the Town does not know what the full capacity is of our existing water tanks.

Maureen explained that Laberge Group is approximately 99% completed with the Comprehensive Plan. In six months the Town would have a Comprehensive Plan, development impact fee, demolition charity, zoning law revisions or identify immediately change areas.

The proposed moratorium local law was reviewed.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 7:25 P.M.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Dean Frisbie
 David Manchester
 Mike Smith
 Attorney Thomas Reed II
 Clerk Teresa Dean

Supervisor Balland called the Town Board workshop of February 8, 2006 to order at 4:30 p.m. and requested that all those present please stand for the Pledge of Allegiance. She also amended the Town Board Agenda by the following: Remove Qadeer Zoning Amendment Request; Local Law 4, 2006 Public Hearing Request; and Amend Community Center Receiver of Revenue to include Grace Hagar and Peggy Zelko.

PUBLIC HEARING 4:33 p.m. Local Law 2, 2006

Supervisor Balland called the Public Hearing to order at 4:33 p.m. and read the legal notice published in the Elmira Star Gazette on February 1, 2006 to allow and consider public comments concerning proposed Local Law 2, 2006 titled "Town of Big Flats Planning Board Training and Attendance Requirements".

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:34 p.m.

PUBLIC HEARING 4:35 p.m. Local Law 3, 2006

Supervisor Balland called the Public Hearing to order at 4:35 p.m. and read the legal notice published in the Elmira Star Gazette on February 1, 2006 to allow and consider public comments concerning proposed Local Law 3, 2006 titled "Town of Big Flats Training and Attendance Requirements for the Zoning Board of Appeals".

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:36 p.m.

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

REPORTS

The following reports for January 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Building Inspector/Code Enforcement Monthly Report; Assessor's Monthly Report; Supervisor's Fund Balance Report; Department of Public Works Monthly Report; SPCA Monthly Report and the Town Historian's Annual Report.

CONCERNS OF THE PEOPLE

George Rose, 610 Hillingdon Way, stated that he was in support of the moratorium and was disappointed in the outside pressure from people who do not live in this community. Mr. Rose stated that he would not want the Town of Big Flats to become Long Island and briefly reviewed his history in Long Island. He also provided an overview of the current taxes and real estate prices for Long Island.

OLD BUSINESS

RESOLUTION NO. 94-06

LOCAL LAW 1, 2006 REGARDING A TEMPORARY LAND USE CONTROL MEASURE FOR CERTAIN AREAS OF THE TOWN APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with the temporary cessation of commercial and industrial development in certain areas of the Town in order to implement necessary land use control measures, zoning law updates, internal policies and procedures revisions and similar necessary overall changes to the Town's laws, rules and regulations regarding land use control in order to prevent permanent harm to the Town caused by the continued development in the Town under the existing land use structures of the Town, and

WHEREAS the adoption of such law results in the protection of the public health, safety and welfare of the Town and its residents by allowing the Town to develop the necessary land use protection measures to mitigate the potential significant environmental impacts associated with continued growth in the Town under the existing Town's land use structure, such as, but not limited to, traffic failures or impacts, economic sustainability of the Town, drainage, destruction of the character of the Town's developing neighborhoods and areas, the potential for permanent incompatible land use development with surrounding areas and neighborhoods, the fiscal instability of the various municipal entities caused by the potential over development in the town, blight and other similar negative impacts, and

WHEREAS the Town has identified the most critical areas of the Town where short-term development is likely to occur and cause the potentially permanent negative impacts associated therewith as identified above, and

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

RESOLUTION NO. 94-06, LOCAL LAW 1, 2006 REGARDING A TEMPORARY
LAND USE CONTROL MEASURE FOR CERTAIN AREAS OF THE TOWN
APPROVED continued

WHEREAS as a result thereof the Town has narrowly tailored the proposed local law to address these identifiable geographical areas of critical concern, and

WHEREAS a Public Hearing was duly advertised in the Elmira Star Gazette and held on January 25, 2006 and which public input has been thoroughly and extensively included in the Town's legislative processes in drafting the accompanying proposed local law, and

WHEREAS the Town Board has held numerous public workshops to further discuss the need and parameters of the said proposed local law, and

WHEREAS the Town Supervisor has determined and hereby certifies pursuant to Municipal Home Rule Law Section 10 that the immediate passage of such local law is necessary given the known and potentially viable projects that have been identified in the Town or have made inquiries or acquisitions in the Town that suggest such projects are imminent, if allowed to develop under the existing land use controls for the town may have significant and permanent negative impacts on the health, safety and welfare of the Town and its resident, now

BE IT THEREFORE RESOLVED the Town Board hereby adopts Local Law No. 1 of 2006 titled "Temporary Land Use Control Regarding the Processing, Review of, and making Decisions on certain land use development applications for Site Plan Approval, Special Use Permits, Subdivision applications and variances relative to certain Business and Industrial uses in the Town of Big Flats", and

FURTHER RESOLVED this Local Law shall take effect immediately following filing with the New York State Department of State.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Letters concerning the proposed moratorium were received from the following:

- Frank T. Rose, dated February 2, 2006, of 10 Vixon Circle; Big Flats;
- Kevin D. Keeley, dated February 3, 2006, President and Chief Executive Officer for the Chemung County Chamber of Commerce;
- John Tonello, dated February 2, 2006, Empire Zone Administrative Board Chairman;
- Michael Watts, dated February 7, 2006, Business owner and resident of Big Flats;
- Susan & Fred Betser of 545 County Route 64 and Jon & Beth VanTol of 229 Hibbard Road; and
- Jane King, dated February 3, 2006 of 15 Kelley Drive.

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

RESOLUTION NO. 95-06
LOCAL LAW 2, 2006 REGARDING THE TRAINING AND ATTENDANCE
REQUIREMENT FOR THE PLANNING BOARD APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with the training and attendance requirements for the Planning Board, and

WHEREAS said proposal requires an amendment of the Town of Big Flats Municipal Code, Chapter 17.72, Planning Board, Section 17.72.060 Term of Office, and

WHEREAS a Public Hearing was advertised in the Elmira Star Gazette and duly held on February 8, 2006, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board adopts Local Law No. 2 of 2006 titled "A Local Law of the Town of Big Flats regarding Training and Attendance Requirement for the Planning Board" and

FURTHER RESOLVED this Local Law shall take effect immediately following filing with the New York State Department of State.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 96-06
LOCAL LAW 2, 2006 REGARDING THE TRAINING AND ATTENDANCE
REQUIREMENT FOR THE ZONING BOARD OF APPEALS APPROVED

Resolution by: Frisbie
Seconded by: Smith

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with the training and attendance requirements for the Zoning Board of Appeals, and

WHEREAS said proposal requires an amendment of the Town of Big Flats Municipal Code, Chapter 17.60, Zoning Board of Appeals, and

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

RESOLUTION NO. 96-06, LOCAL LAW 2, 2006 REGARDING THE TRAINING AND ATTENDANCE REQUIREMENT FOR THE ZONING BOARD OF APPEALS APPROVED continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board adopts Local Law No. 2 of 2006 titled "A Local Law of the Town of Big Flats regarding Training and Attendance Requirement for the Zoning Board of Appeals" and

FURTHER RESOLVED this Local Law shall take effect immediately following filing with the New York State Department of State.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 97-06
SALARY AMENDMENT FOR TWO WINTER T.A.F.F.Y. EMPLOYEES APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board adopted Resolution No. 218-05 appointing Winter T.A.F.F.Y. employees for 2005-2006, and

WHEREAS New York State, effective January 1, 2006, increased the minimum wage requirements, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends Resolution No. 218-05, effective January 1, 2006, to reflect the new salaries for the following employees:

Timothy Hutten	57 Woodland Drive, Big Flats	\$6.75/hour
Chad Sozanski	810 Harris Hill Road, Big Flats	\$6.75/hour

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Qadeer Zoning Amendment Request. Due to a written withdrawal from the applicant, this item was removed.

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

NEW BUSINESS

RESOLUTION NO. 98-06

CHEMUNG COUNTY OFFICE FOR THE AGING AGREEMENT APPROVED

Resolution by: Fairbrother

Seconded by: Frisbie

WHEREAS the Town Board has determined to enter into a lease agreement with Chemung County for the purposes of providing a community hall and kitchen areas, utilities and heat for the Congregate Meal Program for the Chemung County Office for the Aging, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a lease agreement with Chemung County for the purpose of providing a community hall and kitchen areas, utilities and heat for the Congregate Meal Program for the Chemung County Office for the Aging.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 99-06

SMITHOME FARMS L.P. PROPERTY TIMBER HARVESTING APPROVED

Resolution by: Manchester

Seconded by: Frisbie

WHEREAS a Timber Harvesting Application has been received from Michael M. Smith to harvest approximately 40,000 board feet of timber from approximately 10 acres of land, Tax Parcel #87.00-1-94.11, and

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will consist of a select cut of timber.
2. The timber harvesting will occur between February 10, 2006 and November 30, 2006.
3. Disturbed areas including skid trails, haul roads, and the landing area will be smoothed on completion of the logging operation and seeded with rye grass, as needed.
4. Diversion ditches and water bars as required will be installed to prevent erosion.

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

RESOLUTION NO. 99-06, SMITHOME FARMS L.P. PROPERTY TIMBER
HARVESTING APPROVED continued

BE IT THEREFORE RESOLVED the application for a Timber Harvesting Permit
submitted by Michael M. Smith be approved as follows:

1. The Timber Harvesting will be done in accordance with Chapter 5.16 of the Town of Big Flats Municipal Code.
2. The logging operation, as proposed, will involve trucks using Harris Hill Road, Curren Road and State Route 352 to Interstate 86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield.
3. The transport of logs may only occur between the hours of 8:00 a.m. to 9:00 p.m. daily with the exception that on days that public schools are in session the transport of logs is not to occur earlier than 8:30 a.m. or between the hours of 1:30 and 4:30 p.m.
4. Curren Road shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and will be cleaned when required by the Code Enforcement Officer as a result of inspections he may perform.
5. A performance bond or certified check in the amount of \$300.00 must be posted with the Town Clerk prior to beginning the timber harvesting operation. The bond or check will be returned upon the satisfactory completion of all logging operations, compliance with the conditions of this resolution, and a final inspection of the timber harvesting site by the logger involved, Foresters, the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
6. The logger shall obtain and file proof of Vehicle, General Liability Insurance, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and property damage of \$250,000 for logging operations with the Code Enforcement Officer at least two business days prior to commencing any work. Said proof of insurance must name the Town of Big Flats as additional insured and be approved by the Town Attorney prior to the commencement of work.
7. As work progresses, the logger shall install diversion ditches and/or water bars as necessary to prevent soil erosion on haul roads, skid trails, and at the landing area.
8. Upon completion of the logging operation, all skid trails, roads and landing areas shall be graded and seeded with rye grass as needed.
9. Upon completion of the harvesting activity, reclamation of the site shall be performed by the logger. Haul roads shall have water bars placed at the following intervals:

ROAD GRADE	SPACING IN FEET
2-5%	300-500 FT.
6-10%	200-300 FT.
11-15%	100-200 FT.
16 & GREATER	100 FT.

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

RESOLUTION NO. 99-06, SMITHOME FARMS L.P. PROPERTY TIMBER
HARVESTING APPROVED continued

10. The logger shall notify the Code Enforcement Office within five days of completion to coordinate on-site inspections.
11. The logging site shall be subject to periodic inspections by the Code Enforcement Officer and Chemung County Soil and Water Conservation Service representatives at any time during the course of the operation. These inspections will be done during the normal working hours of the logger.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSTAIN: Smith

Local Law 4, 2006 Public Hearing Proposal. This item was tabled.

RESOLUTION NO. 100-06
OFFICE FURNITURE, MATERIAL, AND LABOR PURCHASE APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Town Board has determined that minor renovation is needed within the Town Hall to accommodate the office of Director of Planning and a small conference room, and

WHEREAS the Town Supervisor has obtained price quotes for the various contractors and obtained state bid pricing, and

WHEREAS for environmental review purposes, this is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Town Supervisor to enter into an agreement and/or purchase order for the purchase of the following:

- State bid pricing with Southern Tier Contract Inc. for the purchase of office furniture at a cost not to exceed \$6,000.00; and
- Carpet, miscellaneous materials and labor at a cost not to exceed \$7,000.00.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

RESOLUTION NO. 101-06
OFFICE FURNITURE, MATERIAL, AND LABOR FOR RENOVATION OF THE
FORMER SENIOR CENTER APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Town Board and New York State Police have verbally agreed that a sub-police station will be housed at the former Senior Center located at 471 Maple Street, and

WHEREAS the Town Supervisor has obtained price quotes for the various contractors, and

WHEREAS for environmental review purposes, this is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Town Supervisor to enter into an agreement and/or purchase order for the purchase of the minor renovations, material and purchase of door locks at a cost not to exceed \$8,000.00.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 102-06
WILLIAMSON LAW BOOK COMPANY FOR THE ANNUAL SOFTWARE
MAINTENANCE CONTRACT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Clerk and Tax Collector currently have the Williamson Law Book Company software, and

WHEREAS said Annual Software Support contract agreement has expired on January 1, 2006, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Annual Software Support contact with Williamson Law Book Company at a cost not-to-exceed \$700.00 commencing January 1, 2006 through December 31, 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

RESOLUTION NO. 103-06
FINGER LAKES BUILDING OFFICIALS CONFERENCE ATTENDANCE
APPROVED

Resolution by: Smith

Seconded by: Frisbie

WHEREAS the Finger Lakes Building Officials (FLBOA) conference is a training conference for Code Enforcement Officers, and

WHEREAS New York State requires code officials to obtain 24 credit hours of training to maintain state certification, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Charles Coors and Eric Corey to attend the FLBOA conference on March 21 and 22, 2006 with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 104-06
AGREEMENT AND RECEIVER OF REVENUE ON BEHALF OF THE BIG FLATS
COMMUNITY CENTER APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Community Center Board has established a Use Policy and Agreement and a Fee Schedule for those who wish to use the Community Center, and

WHEREAS it has been determined that receivers of revenue will be required to collect the agreements and fees associated with the use of the Community Center, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Judith Kadlec, Grace Hagar and Peggy Zelko, along with Suzanne Brinthaup and Judith Zimmerman as Receivers of Revenue for the Community Center.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

RESOLUTION NO. 105-06
BIG FLATS ENVIRONMENTAL CONSERVATION COMMITTEE RESIGNATION
AND ALSO ABOLISHING SAID COMMITTEE APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Town Board, as recommended by the Planning Board, established an Environmental Conservation Committee consisting of approximately seven (7) members, and

WHEREAS said Committee has not been active for the past several months, and

WHEREAS a letter of resignation, dated February 1, 2006, was received from Lee Hanle Younge, Chairperson of said Committee, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Lee Hanle Younge as a Chairperson and member of the Environmental Conservation Committee and effective immediately dissolves said Committee, and

FURTHER RESOLVED the Town Supervisor is requested to send a letter of appreciation to said members.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

CORRESPONDENCE

Association of Towns Attendance/PERMA. A letter was received from the Public Employer Risk Management Association, Inc. (PERMA), dated January 27, 2006, informing the Town Board that they will not be attending the Association of Towns conference.

Notice of Incomplete Application – Smith/NYSDEC. A notice of incomplete application was received from New York State Department of Environmental Conservation for the request Smith Property for the excavation and fill in navigable waters.

General Revenue Corporation Project/CCIDA. A letter was received from Chemung County Industrial Development Agency, dated January 19, 2006, informing the Town Board and Horseheads School Board that an amendment to the Payment in Lieu of Tax Agreement is being discussed with regards to the proposed General Revenue Corporation Project.

MINUTES OF TOWN BOARD WORKSHOP OF FEBRUARY 8, 2006

Zoning Change Request/Qadeer – Forums Development of America, LLC. A letter was received from Omar Qadeer, President of Forums Development of America, LLC, dated January 20, 2006, stating that the proposed development of State Route 352, Parcel 47, would not increase traffic due to the commuter who would travel to their site already utilize State Route 352 on a daily basis between Corning and Elmira. Furthermore, Mr. Qadeer also discussed the proposed residential development and the elevation measurement of their property versus various developments in the Hamlet and along State Route 352.

Appreciation of Support/CC Cornell University Cooperative Extension. A letter was received from Michael Hastich, dated January 10, 2006, providing an update of the work and commitment during 2005. Mr. Hastich also thanked the Town Board for their support throughout the year and specifically with the River projects.

Fire Commission Officers/West Hill Fire District #3. A letter was received from John McGlenn, Chairman of the Board of Fire Commissioners for West Hill Fire District #3, dated January 16, 2006, informing the Town Board of their elected members to the Fire Commission, treasurer, and various officers.

RESOLUTION NO. 106-06
TANGLEWOOD NATURE CENTER PREPAYMENT APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Youth Department has scheduled a trip for the Youth Group to the Tanglewood Nature Center for February 17, 2006, and

WHEREAS said trip requires a \$55.00 service fee, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the prepayment of \$55.00 to Tanglewood Nature Center for the purpose of a youth group trip to be held on February 17, 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board Workshop at 4:50 p.m. All in favor. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Dean Frisbie
 David Manchester
 Mike Smith

ABSENT: Council Edward Fairbrother
 Attorney Thomas Reed II
 Clerk Teresa Dean

Supervisor Balland called the Town Board workshop of February 22, 2006 to order at 7:00 p.m. and requested that all those present please stand for the Pledge of Allegiance.

MINUTES

Supervisor Balland made a motion, seconded by Councilperson Manchester, to approve the minutes of January 20, 2006 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Councilperson Frisbie made a motion, seconded by Councilperson Smith, to approve the minutes of January 25, 2006 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Supervisor Balland made a motion, seconded by Councilperson Manchester, to approve the minutes of January 30, 2006 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Councilperson Frisbie made a motion, seconded by Councilperson Manchester, to approve the minutes of February 2, 2006 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Councilperson Frisbie made a motion, seconded by Councilperson Smith, to approve the minutes of February 8, 2006 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, asked if Community Days would be a rider on the Town insurance plan?

Jerry Welliver, 107 Lyons Drive Extension, asked if a representative from Laberge Group would be present at the meetings to review the Comprehensive Plan?

Gary Bernhardt, 809 Harris Hill Road, expressed concern with the speed limit near his house and recommended the Town Board consider reducing the speed limit to the top of the hill on Harris Hill Road.

Mr. Welliver requested a meeting to discuss the zoning on Daniel Zenker Drive.

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

Mr. Nicolo asked for a copy of the parks project list and stated that the flags will be installed on 39 telephone poles. He also asked if the flag installation project would be covered under the Town of Big Flats insurance.

OLD BUSINESS

Sykora Property Update. A memo was received from Chuck Coons, dated February 13, 2006, providing a report relative to the Sykora property located at 78 Hammond Street. The inside of the house is nearly complete, an electrical inspection has been completed, and the refrigerator was removed from the yard. Coons stated the owner has requested a temporary Certificate of Occupancy; however, there are outstanding issues; such as the water service and heating system which need to be resolved prior to the issuance of the temporary Certificate of Occupancy.

NEW BUSINESS

Safety Concerns – 11 Cottage Drive East. A memo was received from Chuck Coons, dated February 13, 2006, stating that the property located at 11 Cottage Drive East owned by Jason Quail is currently vacant and strewn with household trash and debris. In accordance with Town Municipal Code, Chapter 15.16, Section 15.16.050(B) the Town Board may begin proceedings against Mr. Quail to remove the fire and health threats. Supervisor Balland reported that the situation has been taken care of.

RESOLUTION NO. 107-06 PONDEROSA PARK LEASE APPROVED

Resolution by: Smith

Seconded by: Frisbie

WHEREAS the Town Board entered into a Lease Agreement with Robert Izzo for the purposes of leasing property for Ponderosa Park, and

WHEREAS Mr. Izzo is no longer owner of said property, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20), (27) and (30) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Town Supervisor to sign the Lease Agreement with Ahmed F. Saleem, 29 Federal Heights Drive, for the purposes of leasing the property known as “Ponderosa Park” at the agreed upon sum of \$1.00 per year.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland

NAYS: None

ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

RESOLUTION NO. 108-06
LOCAL LAW 4 OF 2006 PUBLIC HEARING APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS Section 339-y of the Real Property Law has been interpreted by courts to limit an assessor's method of establishing a condominium assessment to the income approach, resulting in the assessment for each unit significantly under market value, sometimes by as much as 50% or more, and

WHEREAS further abuse of Section 339-y now includes attempts by developers to take large tracts of land, construct larger single family houses on one or two acres and instead of simply subdividing the property, establish a condominium with two classes of common areas, a limited common area (consisting of all the parcels surrounding each residence) which is for the exclusive use of the owner and occupant of the "condominium unit", and one general common area consisting only of the roadways within the development, and

WHEREAS by structuring ownership of the property in the manner just described, Section 339-y limits the assessing unit to setting assessments on all the units as if the property were a single parcel, resulting in a steep reduction in what the assessment would otherwise be, and

WHEREAS the Assessor of the Town of Big Flats recommends the passage of a local law that seeks to limit developer's ability to create condominium developments that are significantly under assessed relative to their actual real estate market value, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20), (27) and (30) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on March 8, 2006 at 4:35 p.m. to hear comments regarding proposed Local Law No. 4 of 2006 titled "A Local Law adopting provisions for a local option of Section 581 of the Real Property Tax Law, Section 1, Subdivision 1, as amended by adding new paragraph (c)".

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

2006 Contract Proposal/STEG. This item was tabled.

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

RESOLUTION NO. 109-06
ROY BUILDERS, INC. DEDICATION OF GREEN SPACE APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS Roy Builders, Inc. has offered to dedicate to the Town, by deed, green space parcel #48.03-4-1, and

WHEREAS the Commissioner of Public Works has inspected said property and found such property suitable for dedication, and

WHEREAS the acceptance of this property is an administrative Type 2 action under SEQRA 6NYCRR, Part 617.5 (c) (20) and thus no environmental review action is required herein, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of Public Works, hereby accepts the offer of dedication of the green space from Roy Builders, Inc. as set forth above, contingent upon the necessary documentation being approved by the Attorney for the Town, and

FURTHER RESOLVED the Town Supervisor is hereby authorized to execute and file any and all documents to effectuate the acceptance of said property, subject to the review and approval of the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 110-06
NYSTCA ATTENDANCE APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS the New York State Town Clerks Association, Inc. (NYSTCA) conference is a training conference for the office of the Town Clerk, and

WHEREAS said conference is held annually with representatives from New York State offices offering sessions for updates regarding new and proposed regulations that effect the daily operations of the office of the Town Clerk, and

WHEREAS Deanne Williams, former Deputy Town Clerk has agreed to provide office coverage during the absence of the Town Clerk and Deputy Town Clerk, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

RESOLUTION NO. 110-06, NYSTCA ATTENDANCE APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes Teresa Dean, Town Clerk and Sheree McGannon, Deputy Town Clerk, to attend the New York State Town Clerks Association Conference held April 23 – 26, 2006 with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 111-06
PART TIME RECREATION LEADER APPOINTMENT APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Recreation Leader for the Town of Big Flats resigned from her position, and

WHEREAS the Town Board recommends the appointment of Marge Tremaine as the Recreation Leader for the Town of Big Flats, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Marge Tremaine, 350 Marshall, Horseheads, as the Recreation Leader at the rate of \$10.50 per hour effective March 1, 2006.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

RESOLUTION NO. 112-06
PART-TIME CLERK FOR THE BIG FLATS COMMUNITY CENTER APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS the Town Board recommends the appointment of Judith Kadlec as the Part-time Clerk for the Big Flats Community Center, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Judith Kadlec, 26 Landau Drive, Horseheads, as the Part-time Clerk for the Community Center at the rate of \$9.50 per hour retroactive to January 1, 2006.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

NOTE: Teresa Dean, Town Clerk arrived at 7:28 p.m.

RESOLUTION NO. 113-06
ABSTRACT OF AUDITED VOUCHERS FOR FEBRUARY 2006 APPROVED

Resolution by: Manchester
Seconded by: Frisbie

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for February 2006, vouchers 3984 - 4098, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$75,817.57
HIGHWAY FUND	\$52,482.36
WATER DISTRICT #1	\$ 3,805.97
WATER DISTRICT #2	\$ 3,418.30
WATER DISTRICT #3	\$ 6,837.77
WATER DISTRICT #4	\$ 8,703.03
LIGHTING DISTRICT	\$ 696.68
TRUST & AGENCY	\$ 2,570.79

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

CORRESPONDENCE

Hickory Grove Road Concerns/L. Moonschein. A letter was received from Linda Moonschein reiterating her concerns with the heavy traffic on Hickory Grove Road and requested the Town Board consider controlling the speed limits in residential area and heavily traveled intersection by installing speed limit flashing signs, speed strips (rumble strips), and have more police patrol.

Road Concerns – Steege Hill Road/ CPP School District. A letter was received from Sam Sanfratello, Deputy Superintendent of the Corning Painted Post Area School District, dated February 10, 2006, stating that reports have been received from the parents and District Supervisor of Transportation on the unsafe road conditions on Steege Hill Road during snowstorms. It was requested that the Town consider plowing the road earlier than past practice.

Speed Limit Concerns – Winters Road/ CV Montessori School. A letter was received from Chemung Valley Montessori School, dated February 2, 2006, requesting the Town Board designate a reduced speed zone and install appropriate signage for the area of the Montessori School on Winters Road.

RESOLUTION NO. 114-06 WINTERS ROAD SPEED LIMIT INVESTIGATION APPROVED

Resolution by: Balland
Seconded by: Frisbie

WHEREAS due to the increased housing development, layout of the road and Chemung Valley Montessori School on Winters Road, the Montessori School has requested a reduction of the speed limit and appropriate signage for School Districts on Winters Road, and

WHEREAS the Town Board determines the speed limit investigation request to be adequate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation of Winters Road.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

Meeting Minutes Elmira Empire Zone Board/STEG. A letter was received from Southern Tier Economic growth, dated February 6, 2006, stating the Elmira Empire Zone Board passed a resolution to modify their by-laws from 26 members to 11 members.

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

Moratorium Comments. Letters concerning the proposed moratorium were received from the following:

- Scott and Loni Kula, dated January 10, 2006, of 54 Brown Board, Big Flats
- Ellen Boyd, dated January 12, 2006, 344 Hillcrest Road, Big Flats;
- Barbara Cleveland, dated January 12, 2006, of the Town of Chemung;
- Matt Brown, dated January 12, 2006, 84 Sing Sing Road, Big Flats;
- Robin De Lill Stroman, January 12, 2006, resident of the Town of Chemung;
- Donald Smith, dated January 16, 2006 of Big Flats;
- Kenneth Knapp, dated January 26, 2006;
- Dave Eichenauer, dated January 26, 2006;
- Christine Thorborg, dated January 29, 2006, 135 Hillview Drive, Big Flats;
- Dennis Ellsworth, dated February 9, 2006, of 397 County Route 64, Big Flats;
- Carol Negir, dated January 30, 2006, of 16 Woods View, Big Flats;
- LuAnne Gardner, dated February 5, 2006, resident of Big Flats;
- Carolyn and Jerry Welliver, 107 Lyons Drive Extension.

Supervisor Balland made a motion, seconded by Councilperson Frisbie, to adjourn the Town Board meeting at 7:43 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 7:43 p.m.

NEW BUSINESS

RESOLUTION NO. 115-06

WATER DISTRICT NO. 1 EXTENSION FOR COMMERCIAL NET LEASE PUBLIC HEARING APPROVED

Resolution by: Balland

Seconded by: Smith

WHEREAS a petition for an extension to Water District No. 1 has been presented and filed with the Town Board on or about January 19, 2006, and

WHEREAS the boundaries of the proposed extension to said district are set forth and described in the following:

All that tract or parcel of land situate in the Town of Big Flats, County of Chemung, State of New York, all as shown on a plan entitled "District Extension Report for Commercial Net Lease", prepared by Bohler Engineering dated January 18, 2006, and being more particularly bounded and described as follows:

All that tract or parcel of land situate in the Town of Big Flats, County of Chemung and State of New York bounded and described as follows:

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

RESOLUTION NO. 115-06, WATER DISTRICT NO. 1 EXTENSION FOR COMMERCIAL NET LEASE PUBLIC HEARING APPROVED continued

Beginning at an iron pin found at the intersection of the southerly boundary of County Road 64 and the easterly boundary of lands now or formerly of "BG Big Flats I, LLC" (see Control #200405130081); thence along the southerly boundary of said County Road 64, the following three (3) courses: 1) N. 71° 43' 49" E., a distance of 133.59 feet to a monument; 2) N. 82° 00' 43" E., a distance of 166.51 feet to a monument; 3) N. 71° 43' 49" E., passing through an iron pin set 307.05 feet distant, an overall distance of 800.00 feet to an iron pin set; thence passing through lands now or formerly of "Dalrymple Gravel & Contracting Co." (see Liber 588 of Deeds, Page 842 and Liber 588 of Deeds, Page 839), the following four (4) courses: 1) S. 06° 53' 25" E., a distance of 303.65 feet to an iron pin set; 2) N. 83° 06' 35" E., a distance of 71.73 feet to an iron pin set; 3) S. 03° 15' 59" W., passing through an iron pin set 333.72 feet distant, an overall distance of 476.30 feet to an iron pin set; 4) S. 63° 56' 40" W., a distance of 651.90 feet to an iron pin set; thence S. 78° 25' 03" W., along the northerly boundary of lands now or formerly of "Pennsylvania Line LRC" (see Fiche 1157 of Deeds, Page 46) a distance of 225.00 feet to an iron pin set at the southeasterly corner of lands now or formerly of "Town of Big Flats" (see Liber 588 of Deeds, Page 728); thence 22° 34' 03" W., along the easterly boundaries of said "Town of Big Flats" lands and the aforesaid lands of "BG Big Flats I, LLC" and passing through an iron pin set 109.09 feet distant, an overall distance of 849.10 feet to the point or place of beginning; being 18.682 acres of land, more or less.

Said premises are shown as Lot "A" and Lot "B-1" on a survey map entitled "Division of Part of Lands of Dalrymple Gravel & Contracting, Co., Inc." by Weiler Associates dated March 3, 2005, Job No. 13348.04.

WHEREAS a map, plan and report detailing said extension accompanied said petition, dated January 19, 2006, entitled "District Extension Report for Commercial Net Lease", prepared by Bohler Engineering dated January 18, 2006, a copy of which is on file with the Town Clerk; and

WHEREAS the improvements proposed consist of the construction of a water system serving said proposed extension area at the approximate locations and in the manner set forth and described in said map, plan and report, and

WHEREAS the maximum amount proposed to be expended for such improvement is \$0; the estimated cost of hook up fees is \$0 and the estimated cost of the extension to the typical property and, if different, the typical one or two family home, \$0, the annual estimated usage charge is \$27,000.00 and

WHEREAS no financing is necessary to complete such improvement, and

WHEREAS the above action is an Unlisted action for the purposes of SEQRA, with the Town of Big Flats Town Board hereby being declared the lead agency thereon; and

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 22, 2006

RESOLUTION NO. 115-06, WATER DISTRICT NO. 1 EXTENSION FOR COMMERCIAL
NET LEASE PUBLIC HEARING APPROVED continued

WHEREAS the Town will make a determination if the implementation of the subject action will result in any significant adverse impact on the environment upon the completion of the public hearing set herein; and

THEREFORE NOW BE IT RESOLVED pursuant to Town Law Section 193 that the Town Board of the Town of Big Flats shall meet at the Town Hall, located at 476 Maple Street, Town of Big Flats, on the 8th Day of March 2006, at 4:33 o'clock P.M. for the purpose of conducting a public hearing on the proposal to extend Water District No. 1 as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered and authorized to publish a copy of this Order in the official paper for the Town, as required and provided for by law, and

BE IT FURTHER RESOLVED that the Town Clerk shall file a certified copy of this order with the State Comptroller's Office as required and provided by law.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

Councilperson Manchester made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 7:45 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Mike Smith
 David Manchester
 Attorney Thomas Reed
 Clerk Teresa Dean

ABSENT: Council Dean Frisbie

Supervisor Balland called the Water Board meeting of March 8, 2006 to order and requested participation in the Pledge of Allegiance. Supervisor Balland expressed that the Town is deeply saddened by the death of Trooper Sperr. A brief update was provided relating to the post office insulation concerns and a meeting is scheduled for March 28th to discuss the cable franchise agreement.

PUBLIC HEARING: 4:33 P.M. Water District No. 1 Extension, Commercial Net Lease

Attorney Reed called the Public Hearing to order at 4:33 p.m. and read the legal notice published in the Elmira Star Gazette on February 28, 2006, to allow and consider public comments concerning the proposed Water District No. 1 Extension request for Commercial Net Lease in the vicinity of County Route 64 and Chambers Road.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:35 p.m.

OLD BUSINESS

RESOLUTION NO. 116-06 WATER DISTRICT NO. 1 EXTENSION APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the necessary map, plan and report was duly presented to the Town with the attached thereto according to law, requesting that an extension to Water District No. 1, as hereinafter described, be established in the Town, and

WHEREAS the Town Board duly adopted Resolution No. 115-06 at its regularly scheduled meeting on February 22, 2006, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified March 8, 2006 at 4:33 p.m. as the time, and the Town Hall in the Town of Big Flats as the place, where the Water Board would meet to

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

RESOLUTION NO. 116-06, WATER DISTRICT NO. 1 EXTENSION APPROVED continued

consider a Resolution to approve the extension of Water District No. 1 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS a hearing in the matter was duly held by the Board on March 8, 2006, commencing at 4:33 p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS the Town hereby determines upon review of the Short EAF, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Water Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA, now

BE IT THEREFORE RESOLVED AND DETERMINED that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED the establishment of the proposed extension to Water District No. 1, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report entitled, "District Extension Report for Commercial Net Lease", prepared by Bohler Engineering dated January 18, 2006, a copy of which is on file with the Town Clerk, and

FURTHER RESOLVED the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there is no costs to the Water District associated with this extension, and

FURTHER RESOLVED the Town Clerk of this Town shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

RESOLUTION NO. 117-06

WATER DEPARTMENT TRUCK PURCHASE ON STATE BID CONTRACT APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Commissioner of Public Works in concurrence with the Water Department Supervisor recognizes the need to purchase a new truck, and

WHEREAS the purchase of a new Water Department truck was planned and budgeted by the Town Board for the year 2006, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Water Board authorizes the Commissioner of Public Works to purchase a 2006 Chevrolet ¾ ton 4 x 4 pick-up truck with utility body as outlined on State Bid Contract #PC60924 Item #20-B for the sum not to exceed \$23,270.67.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland

NAYS: None

ABSENT: Frisbie

Since there was no further business to come before the Water Board, Councilperson Fairbrother made a motion, seconded by Councilperson Manchester to adjourn the Water Board meeting at 4:38 p.m. All in favor, except Councilperson Frisbie was absent. Motion carried.

TOWN BOARD

Supervisor Balland called the Town Board meeting to order at 4:38 p.m.

PUBLIC HEARING 4:35 P.M. Local Law 4 of 2006, Assessment for
Condominium Converted

Attorney Reed called the Public Hearing to order at 4:38 p.m. and read the legal notice published in the Elmira Star Gazette on February 28, 2006, to allow and consider public comments concerning proposed Local Law 4, 2006 titled "Local Law of the Town of Big Flats regarding Converted Condominium Assessments".

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:40 p.m.

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

REPORTS

Supervisor Balland requested the Town Assessor – Bill Torp to provide the Town Board with an overview of the proposed Condominium Converted local law. Torp explained that the proposal was not to deter condominiums; however, regulate the process of assessing condominiums.

The following reports for February 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Ag & Markets Monthly Report; SPCA Monthly Report; Building Inspector/Code Enforcement Monthly Report; Department of Public Works; Community Center Monthly Report; Supervisor's Fund Balance Report; and Parks Commission Minutes.

CONCERNS OF THE PEOPLE. None

OLD BUSINESS

RESOLUTION NO. 118-06

LOCAL LAW 4, 2006 REGARDING CONVERTED CONDOMINIUM ASSESSMENTS APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS Section 339-y of the Real Property Law has been interpreted by courts to limit an assessor's method of establishing a condominium assessment to the income approach, resulting in the assessment for each unit significantly under market value, sometimes by as much as 50% or more, and

WHEREAS further abuse of Section 339-y now includes attempts by developers to take large tracts of land, construct larger single family houses on one or two acres and instead of simply subdividing the property, establish a condominium with two classes of common areas, a limited common area (consisting of all the parcels surrounding each residence) which is for the exclusive use of the owner and occupant of the "condominium unit", and one general common area consisting only of the roadways within the development, and

WHEREAS by structuring ownership of the property in the manner just described, Section 339-y limits the assessing unit to setting assessments on all the units as if the property were a single parcel, resulting in a steep reduction in what the assessment would otherwise be, and

WHEREAS the Assessor of the Town of Big Flats recommends the passage of a local law that seeks to limit developer's ability to create condominium developments that are significantly under assessed relative to their actual real estate market value, and

WHEREAS a Public Hearing was advertised in the Elmira Star Gazette and duly held on March 8, 2006, and

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

RESOLUTION NO. 118-06, LOCAL LAW 4, 2006 APPROVED continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board adopts Local Law No. 4 of 2006 titled "A Local Law adopting provisions for a local option of Section 581 of the Real Property Tax Law, Section 1, Subdivision 1, as amended by adding new paragraph (c)".

FURTHER RESOLVED this Local Law shall take effect immediately following filing with the New York State Department of State.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

NEW BUSINESS

RESOLUTION NO. 119-06
DUNCAN STUDIO PLUS KILN SURPLUS/ADVERTISEMENT APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Commissioner of Public Works recommends the following items be declared as surplus:

- 1 Duncan Studio-Plus Kiln
Model # DA1020-4, Max. Temp. 2246F

WHEREAS, for environmental review purposes, the surplus of equipment is a Type II Action for the purposes of SEQRA and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of Public Works, authorizes the Town Clerk to advertise this item for sale.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

RESOLUTION NO. 120-06
MEMORIAL HOSPITAL, INC. OF TOWANDA, PA AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Balland

WHEREAS Memorial Hospital, Inc. of Towanda has provided necessary drug and alcohol testing for applicable Town Employees for the past 2 years, and

WHEREAS Memorial Hospital, Inc. of Towanda, Pennsylvania proposes to extend its contract for 2 more years at no cost increase, and

WHEREAS Memorial Hospital, Inc.'s proposal fully and adequately provides the necessary services herein at a far and reasonable cost thereto, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Commissioner of Public Works is hereby authorized to execute a two-year agreement with Memorial Hospital, Inc. of Towanda Pennsylvania at the annual cost of \$125.00 per Town driver, for the purposes of conducting the necessary drug and alcohol testing of the applicable Town employees.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 121-06
KESSELRING/MELVILLE NOTICE OF PETITION DEFENSE APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Town of Big Flats has received a Notice of Petition from Harry Kesselring and Margaret Melville compelling the Town of Big Flats to ditch and drain the areas in the right-of-way adjacent to West Hill Road A, and

WHEREAS representation of said petitions is outside the general employment parameters for the Attorney for the Town, and

WHEREAS the administration and management of Town personnel is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c)(20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

RESOLUTION NO. 121-06, KESSELRING/MELVILLE NOTICE OF PETITION DEFENSE
APPROVED continued

BE IT THEREFORE RESOLVED that the Town Board appoints Thomas Reed II, Attorney for the Town, to represent the Town of Big Flats in defense for the Petition by Harry Kesselring and Margaret Melville at the rate of \$90.00 per hour, which is outside the general employment parameters.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 122-06
PATRICIA HARTIGAN-HUTEN SALARY INCREASE APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS the Recreation Leader for the Town of Big Flats resigned from her position, and

WHEREAS due to the increase in responsibilities for the Recreation Attendant, the Town Supervisor recommends a salary increase for Patricia Hartigan-Huten, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the salary increase for Patricia Hartigan-Huten as the Recreation Attendant to the rate of \$9.25 per hour retroactive to January 1, 2006.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

RESOLUTION NO. 123-06
SPECIAL USE PERMIT FOR SIMMONS ROCKWELL VEHICLE SALES EXPANSION ON
TAX PARCEL 67.02-1-5 PUBLIC HEARING APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Planning Board has received an application from Simmons Rockwell Dealerships for expansion of its existing vehicle sales use on tax parcel 67.02-1-5 located in the Business Regional (BR) district, and

WHEREAS vehicle repair is a permitted use in the BR district pursuant to Chapter 17.12.010 of the Town Municipal Code with site plan approval of the Planning Board and Special Use Permit approval of the Town Board, and

WHEREAS the applicant has submitted a letter dated February 28, 2006 requesting said approval by the Town Board, and

WHEREAS prior to action on a Special Use Permit a Public Hearing shall be duly held by the Town Board,

BE IT THEREFORE RESOLVED that the Town Board sets a Public Hearing for March 22, 2006 at 7:03 p.m. to hear comments for a Special Use Permit for Simmons Rockwell Dealerships.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 124-06
SPECIAL USE PERMIT FOR THE TIRE CENTER VEHICLE REPAIR USE ON TAX
PARCELS 58.03-1-58 & 59 PUBLIC HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Planning Board has received an application from J. Ambrose Real Estate for site plan approval for a vehicle repair use, namely The Tire Center, on tax parcels #58.03-1-58 & 59 located in the Business Regional (BR) district, and

WHEREAS vehicle repair is a permitted use in the BR district pursuant to Chapter 17.12.010 of the Town Municipal Code with site plan approval of the Planning Board and Special Use Permit approval of the Town Board, and

WHEREAS prior to action on a Special Use Permit a Public Hearing shall be duly held by the Town Board, now

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

RESOLUTION NO. 124-06, SPECIAL USE PERMIT FOR THE TIRE CENTER VEHICLE REPAIR USE ON TAX PARCELS 58.03-1-58 & 59 PUBLIC HEARING APPROVED
continued

BE IT THEREFORE RESOLVED that the Town Board sets a Public Hearing for March 22, 2006 at 7:05 p.m. to hear comments for a Special Use Permit for The Tire Center.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 125-06
SPECIAL USE PERMIT FOR JOHN'S TRUCK & AUTO SERVICE VEHICLE REPAIR USE
ON TAX PARCEL #66.04-3-30.3 PUBLIC HEARING APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Planning Board has received an application from John and Donna Wren for site plan approval for a vehicle repair use on tax parcel #66.04-3-30.3 located in the Commercial Light Industrial (CL) district, and

WHEREAS vehicle repair is a permitted use in the CL district pursuant to Chapter 17.12.010 of the Town Municipal Code with site plan approval of the Planning Board and Special Use Permit approval of the Town Board, and

WHEREAS prior to action on a Special Use Permit a Public Hearing shall be duly held by the Town Board, now

BE IT THEREFORE RESOLVED that the Town Board sets a Public Hearing for March 22, 2006 at 7:07 p.m. to hear comments for a Special Use Permit for John's Truck and Auto Service.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisibe

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

RESOLUTION NO. 126-06
PAYMENT IN LIEU OF TAX AGREEMENT WITH THE CCIDA AND GENERAL
REVENUE CORPORATION APPROVED

Resolution by: Balland
Seconded by: Smith

WHEREAS the Town Board has determined to enter into an agreement with Chemung County Industrial Development Agency and General Revenue Corporation with consent thereto by the Chemung County and the Horseheads Central School District, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the First Amendment to Payment in Lieu of Tax Agreement with Chemung County Industrial Development Agency and General Revenue Corporation.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

STEG Contract. Councilperson Fairbrother made a motion, seconded by Councilperson Smith to table the Southern Tier Economic Growth Contract proposal. All in favor, except Councilperson Frisbie was absent. Motion carried.

CORRESPONDENCE

Summer Cohesion Program/CC Youth Program. A copy of a letter written to Virginia Abrunzo, Principal of the Big Flats Elementary School, dated February 21, 2006, from the Summer Cohension Youth Program Coordinator Lisa Bowers was received regarding the Summer Cohesion Program for 2006 being held at said school. Supervisor Balland explained that the Summer Cohesion Program would be held rather than the Town of Big Flats Summer T.A.F.F.Y. program.

Schweizer Aircraft Corp./NYSDEC. A copy of a letter written to Schweizer Aircraft Corporation, dated February 22, 2006, from New York State Department of Environmental Conservation was received relative to the complete application for the air state facility permit and emissions capping.

Complaint on Special Franchise/NYSEG. A notice of complaint on the tentative special franchise for 2006 was received from New York State Electric and Gas Corporation.

Road Maintenance Response – Assemblyman O’Mara. A copy of a letter written to Kimberly Barber, dated February 22, 2006 from Assemblyman Thomas O’Mara was received relative to Mrs. Barber’s concerns about the condition of the road on which her children must wait for the morning school bus.

MINUTES OF TOWN BOARD MEETING OF MARCH 8, 2006

FOIL Verbal Verification/J. Byrski. A letter was received from John Byrski, dated February 12, 2006, requesting a reply for the observation and documentation of Town equipment being used on private property. Mr. Byrski further requested the discussion be included as an agenda item at the next public meeting.

Meeting Minutes/RAMS. A copy of the minutes of the January 31, 2006 meeting of the Rural Association of Mayors and Supervisor (RAMS) was received.

Contract Proposal Update/CSEA. A letter was received from Shaw Lucas, Labor Relations Specialist of CSEA, dated February 28, 2006, serving notice that the CSEA negotiating committee and the Union membership have rejected that latest contract proposal and an Impasse petition has been filed.

County Wide Litter Pick Up Program/CC Executive. A letter was received from Mike Krusen, Deputy County Executive, dated February 8, 2006 to the Town Supervisor of the Town of Elmira indicating that a county-wide litter pick up program will be implemented.

Presentation by Richard Florida/SRCRP&DB. An announcement was received informing the Town Board that Richard Florida will hold a presentation relative to his views on the economy, community, and the future of the country on April 4, 2006 at 3:00 p.m. at the Corning Museum of Glass Auditorium.

Residential Assessment Ratio/NYS ORPS. A notice was received from the New York State Office of Real Property Services, dated February 14, 2006, informing the Town Board that the Residential Assessment Ratio for 2006 is 89.08.

Community Center Building Access. A letter was received from Senator Hillary Rodham Clinton, dated February 27, 2006, informing the Town Supervisor that concerns have been raised regarding handicap parking and accessibility to the Community Center. Supervisor Balland explained this issue has been investigated by the New York State Advocate's office and they determined that once the Town relocates two handicap parking spots across from the portico this issue would be resolved. The relocation of the parking spots will take place once a parking lot painter is obtained.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 6:25 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Mike Smith
 David Manchester
 Dean Frisbie
 Attorney Thomas Reed
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting of March 22, 2006 to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

PUBLIC HEARING: 7:03 p.m. Simmons-Rockwell Special Use Permit Request

Attorney Reed called the Public Hearing to order at 7:03 p.m. and read the legal notice published in the Elmira Star Gazette on March 15, 2006, to allow and consider public comments concerning the proposed Special Use Permit for Simmons-Rockwell to operate a vehicle repair shop at Tax Parcel 67.02-1-5 located at 752 County Route 64.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 7:04 p.m.

MINUTES

Councilperson Smith made a motion, seconded by Councilperson Manchester, to approve the minutes of February 22, 2006 as presented. All in favor, except Councilperson Fairbrother abstained. Motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to approve the minutes of March 8, 2006 as presented. All in favor, except Councilperson Frisbie abstained. Motion carried.

PUBLIC HEARING 7:05 p.m. Kost Company Special Use Permit Request

Attorney Reed called the Public Hearing to order at 7:05 p.m. and read the legal notice published in the Elmira Star Gazette on March 15, 2006, to allow and consider public comments concerning the proposed Special Use Permit for Kost Company to operate a vehicle repair shop at Tax Parcel 58.03-1-58 and 59, located at 52 and 56 Fisherville Road.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 7:06 p.m.

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

REPORTS

PERSONNEL – Councilperson Manchester reported that the job descriptions are being reviewed and updated. There are also recommendations that will be made for the salaries of Youth Commission staff.

FACILITIES – Councilperson Fairbrother reported a meeting has been set for April 7, 2006 at 8:00 a.m. for a small committee to set the parameters for the proposed Town Hall renovation.

PUBLIC HEARING 7:07 p.m. Wren Special Use Permit Request

Attorney Reed called the Public Hearing to order at 7:07 p.m. and read the legal notice published in the Elmira Star Gazette on March 15, 2006, to allow and consider public comments concerning the proposed Special Use Permit for John and Donna Wren to operate a vehicle repair shop at Tax Parcel 66.04-3-30.3, located adjacent to the intersection of Winters Road and County Route 64 (Main Street).

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 7:08 p.m.

REPORTS continued

COMPREHENSIVE PLAN – Councilperson Smith reported that the Task Force for the Comprehensive Plan and Moratorium review is on-schedule and he believes that this task will be completed prior to the expiration of the Moratorium.

SEWER – Supervisor Balland reported that a meeting was held to discuss the possibility of extending the sewer down Maple Street for businesses only.

DUMPING PETITION – Supervisor Balland reported that a petition was received with several signatures from Golden Glow residents concerning dumping that is taking place on the land formerly designated as parkland at the intersection of Golden Glow Drive and Shady Knoll Drive. A site visit has been made and it appears that there is illegal dumping going on and the Chemung County Sheriff's Department will be contacted to file a formal report.

ASSESSMENT – Supervisor Balland reported the impact notices will be mailed the second week in April and the trend is an approximate 5% increase; however, there should be no increase in taxes unless the School District and County increase their budgets.

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

CONCERNS OF THE PEOPLE

Nancy Reidy, 260 Breed Hollow Road, stated she had concerns regarding the Youth Services being offered by the Town; the comments made about the Operation Guidelines not being approved; and the Town Board not appointing a liaison to the Youth Commission. Mrs. Reidy further pointed out that a recommendation was made to appoint Steve Nalbach to the Youth Commission; however, the appointment was tabled with no further consideration. Supervisor Balland stated that the minutes index was reviewed and no resolution formally adopting the Operation Guidelines was found. As for the Youth Commission the Town Board did not appoint a liaison due to the on going discussion of dissolving the Youth Commission. Supervisor Balland offered to attend the next Youth Commission meeting. Mrs. Reidy stated by not continuing with the programs previously offered by the Youth Department the Town may lose monies available in the 65 / 35 program. Supervisor Balland noted that the Town Board felt there was adequate staff and Marge Tremaine has been hired to coordinate the Summer T.A.F.F.Y. program. Mrs. Reidy recommended the Town Board review the Youth Commission notebook report from 1997 that outlined the activities and documentation time schedule. Supervisor Balland recommended Mrs. Reidy meet with Councilperson Manchester to discuss her concerns.

Bob Thorborg, 135 Hillview Drive, stated that he is a member of the Chemung County Youth Board and they have concerns with what the Town of Big Flats plans are for the youth department. Supervisor Balland stated that she would contact Bob Harris of the Chemung County Youth Bureau.

Mrs. Reidy stated last year Community Days was not permitted to hold the Sunday tea for the Big Flats Community Days pageant at the Community Center even though a Town resident offered to pay. With the funds made by Community Days, the Town should permit Community Days to hold their tea at the Community Center free of charge. Supervisor Balland stated this matter should be discussed with the Community Center Board.

Jason Thompson, 374 Owen Hollow Road, noted that he is a member of the Youth Commission and felt that for the past year and a half there has been a lack of communication between the Commission and Town Board. Supervisor Balland stated she spoke with the current staff and told them that she is willing to attend the next Youth Commission meeting. Mr. Thompson also pointed out that the 50th Anniversary of the Youth Commission is this year and hopes something great was being planned for such an event. Supervisor Balland felt the Youth Commission should make the appropriate plans. Mr. Thompson pointed out the Town Board might dissolve the Youth Commission and the Director of the Community Center indicated the Youth Commission needed to speak to the Town Board.

OLD BUSINESS

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

RESOLUTION NO. 127-06
SIMMONS ROCKWELL SPECIAL USE PERMIT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS this Board has received an application from Simmons Rockwell for Site Plan approval for construction of a vehicle display area on tax parcel #67.02-1-5, currently operated as a vehicle repair business, and

WHEREAS the property is located on the south side of County Route 64, in the Business Regional (BR) district, west of the existing Simmons Rockwell dealership and adjacent to Welles Bridge, and

WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle sales use is a permitted use with site plan approval by the Planning Board and Special Use Permit approval by the Town Board, and

WHEREAS the Planning Board has completed its review of the project and approved the plan subject to standard construction conditions and that the two abandoned water lines serving this dealership be terminated according to Town requirements, and

WHEREAS the Planning Board has determined the project to be an Unlisted Action and has completed the environmental review as the Lead Agency, finding no significant potential adverse environmental impacts and issued a Negative Declaration, now

BE IT THEREFORE RESOLVED that the Town Board adopts the SEQR findings of the Planning Board, and

FURTHER RESOLVED that the Town Board approves the use of the parcel for vehicle sales.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 128-06
KOST TIRE CENTER SPECIAL USE PERMIT APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS this Board has received an application for Site Plan approval from J. Ambrose Real Estate for construction of a vehicle repair facility and related infrastructure on tax parcels #58.03-1-58 & 59, and

WHEREAS the property is located on the north side of County Route 64 east of Chambers Road in the Business Regional (BR) district, and

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

RESOLUTION NO. 128-06, KOST TIRE CENTER SPECIAL USE PERMIT APPROVED continued

WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is a permitted use with site plan approval by the Planning Board and Special Use Permit approval by the Town Board, and

WHEREAS the Planning Board has completed its review of the project and approved the plan subject to standard construction conditions and the following:

- **Vehicle Sales** – Sale of vehicles as an accessory use is prohibited, and

WHEREAS the Planning Board has determined the project to be an Unlisted Action and has completed the environmental review as the Lead Agency, finding no significant potential adverse environmental impacts and issued a Negative Declaration, now

BE IT THEREFORE RESOLVED that the Town Board adopts the SEQR findings of the Planning Board, and

FURTHER RESOLVED that the Town Board approves the use of the parcel for vehicle repair with the following conditions:

- Pursuant to Planning Board Resolution P95-2005, dated December 20, 2005, associated with the approval of Telco Credit Union, the left turn lane from County Route into the site will be removed if and when a traffic signal is installed at the intersection of County Route 64 and Fisherville Road, and this parcel will not have a left hand turn from County Route 64.

CARRIED: AYES: Frisbie, Fairbrother, Smith, Balland
NAYS: Manchester

RESOLUTION NO. 129-06 JOHN'S TRUCK AND AUTO CENTER SPECIAL USE PERMIT APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS this Board has received an application for Site Plan approval from John and Donna Wren for a vehicle repair facility on tax parcel #66.04-4-30.3, and

WHEREAS the property is located at the northwest corner of the intersection of County Route 64/ Main Street and Winters Road in the Commercial Light Industrial (CL) district, and

WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a vehicle repair use is a permitted use with site plan approval by the Planning Board and Special Use Permit approval by the Town Board, and

WHEREAS the Planning Board has completed its review of the project and approved the plan subject to standard construction conditions and the following:

- **Vehicle Sales** – Sale of vehicles as an accessory use is permitted. Not more than four (4) vehicles shall be for sale at any one time. Display of any vehicle for sale shall be limited to the approved parking area only. No vehicle offered for sale shall be displayed in any required buffer and/or transition yard. No vehicle offered for sale

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

RESOLUTION NO. 129-06, JOHN'S TRUCK AND AUTO CENTER SPECIAL USE PERMIT APPROVED continued

shall be advertised on the lot by use of decoration, banner, balloon, streamer, or any similar item. Only window markings shall be permitted, and

WHEREAS the Planning Board has determined the project to be an Unlisted Action and has completed the environmental review as the Lead Agency, finding no significant potential adverse environmental impacts and issued a Negative Declaration, now

BE IT THEREFORE RESOLVED that the Town Board adopts the SEQR findings of the Planning Board, and

FURTHER RESOLVED that the Town Board approves the use of the parcel for vehicle repair with the following conditions:

- Repair operations shall not occur between the hours of 10 p.m. and 7 a.m.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

NEW BUSINESS

RESOLUTION NO. 130-06

HVAC MAINTENANCE AGREEMENT WITH AIR TEMP HEATING AND AIR CONDITIONING, INC. APPROVED

Resolution by: Balland

Seconded by: Manchester

WHEREAS the Town Board entered into a preventative maintenance agreement for the Community Center and DPW buildings with Air Temp Heating and Air Conditioning per Resolution #260 dated 12-29-04, and

WHEREAS the Commissioner of Public Works recommends changing from a preventative maintenance agreement to a full service agreement, and

WHEREAS at the request of the Commissioner of Public Works, Air Temp Heating and Air Conditioning, Inc. has submitted proposal #C0605 to provide full maintenance service, and

WHEREAS the Commissioner of Public Works recommends the Town Board enter into a maintenance agreement with Air Temp Heating and Air Conditioning, Inc for the purpose of providing full service maintenance on the HVAC systems within the Community Center and DPW buildings, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

RESOLUTION NO. 130-06, HVAC MAINTENANCE AGREEMENT WITH AIR
TEMP HEATING AND AIR CONDITIONING, INC. APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Air Temp Heating and Air Conditioning, Inc. for the purpose of providing full service maintenance on the HVAC systems for the Community Center and DPW buildings at a cost of \$8,808.00 annually, retroactive to January 1, 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 131-06
LEASE AGREEMENT WITH GLENN AND DIANE FARR APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS, Glenn and Diane Farr have requested the Town to sign a lease agreement for the use of the Farr's property located adjacent to Daniel Zenker Drive by the Town's Department of Public Works as per correspondence dated January 30, 2006, and

WHEREAS, the Commissioner of Public Works has reviewed said proposal and has determined such property is necessary to fulfill the operational demands placed on the Department of Public Works and its day-to-day activities and as such recommends said proposal be approved, and

WHEREAS, for environmental review purposes, this is an administrative type II action in accordance with SEQRA and as such no further action is necessary in regard to the same, now

BE IT THEREFORE RESOLVED, the Town Board authorizes the Town Supervisor to execute a lease with Glenn and Diane Farr for the property located adjacent to Daniel Zenker Drive, with rental payments being paid in the amount of \$4,200.00 per year at the rate of \$350.00 per month, subject to the review and approval of the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

RESOLUTION NO. 132-06

STC REGIONAL LEADERSHIP CONFERENCE ATTENDANCE APPROVED

Resolution by: Frisbie

Seconded by: Manchester

WHEREAS the Town Board has determined that the STC Regional Leadership Conference sponsored by the Southern Tier Central Regional Planning & Development Board is a beneficial conference for Town employees, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following staff to attend the 10th Annual Southern Tier Central Regional Leadership Conference on April 13, 2006 at Corning Community College:

Merlyn Tiwari, Helen Schwartz, Charles Wood, Robert Gush, Mark Fleisher, Angelia Piersimoni, Maureen Harding, Nancy VanMaarseveen, Chuck Coons, Bill Torp, Sheree McGannon, David Wigsten, Richard Seely, Scott Esty, Larry Wagner, Donald Gaylord, and Mary Ann Balland.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 133-06

PURCHASE OF ROAD SALT THROUGH STATE BID APPROVED

Resolution by: Manchester

Seconded by: Fairbrother

WHEREAS the Town will need to purchase salt for winter road maintenance for 2006 / 2007, and

WHEREAS the State bid for road salt is listed under Group No. 01800, and

WHEREAS the contract period for road salt is September 1, 2006 through August 31, 2007, and

WHEREAS the state mandates that a Requirement Letter be filed with OGS prior to April 3, 2006 to participate in purchasing under State Bid, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

RESOLUTION NO. 133-06, PURCHASE OF ROAD SALT THROUGH STATE BID
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes Larry Wagner to purchase road salt, not to exceed one thousand nine hundred twenty (1,920) ton, utilizing state bid contract for the duration of said contract period.

CARRIED: AYES: Frisbie, Fairbrother, Manchester, Smith, Balland
NAYS: None

RESOLUTION NO. 135-06
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS the various Town Budgets are over budget and requires an amendment, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board approves the following budget amendment:

FROM:	Library	A7410.0400	\$43,150.00
TO:			
	Planning	A8020.0200	\$ 3,000.00
	Attorney Conference	A1220.0400.0013	\$ 150.00
	Buildings – State Troopers	A1620.0400	\$15,000.00
	Buildings	A1620.0400	\$25,000.00

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 136-06
DEBT SERVICE FUND ADJUSTMENT APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS in an ongoing effort to accumulate resources for future payments on long-term debt, the Town Supervisor is requesting to transfer additional funds from General Fund Balance, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

RESOLUTION NO. 136-06, DEBT SERVICE FUND ADJUSTMENT APPROVED
continued

BE IT THEREFORE RESOLVED the Town Board approves the following budget amendment:

GENERAL FUND

Increase Appropriations	A0960	\$200,000.00
Transfer to other funds	A9901.0900	\$200,000.00
Appropriated Fund Balance	A0599	\$200,000.00

DEBT SERVICE FUND

Increase Estimated Revenues	V0510	\$200,000.00
To Interfund Transfers	V5031	\$200,000.00

Increase Estimated Expenses	V0960	\$200,000.00
To Serial Bonds	V9710.0600	\$200,000.00

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 137-06
RECODING OF VOUCHERS 3992 AND 4065 APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board approved two vouchers which were incorrectly coded and require a correction, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to recode Voucher #3992 issued to Arnot Realty Corporation in the amount of \$44.00 to S12140 and Voucher #4065 issued to Susan Portluck in the amount of \$113.62 to S22140.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

RESOLUTION NO. 138-06
KEY BANK WIRE TRANSMIT AUTHORIZATION APPROVED

Resolution by: Frisbie
Seconded by: Fairbrother

WHEREAS the Town Supervisor has received a letter from New York State Insurance Department, dated January 17, 2006, informing the Town Board that wire transmit is required for the Foreign Fire Tax Funds, and

WHEREAS part of this requirement requires the Town Supervisor to complete the appropriate documentation to set up said wire transmit, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the required documentation to setup the wire transmit for the Foreign Fire Tax Funds.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 139-06
ABSTRACT OF AUDITED VOUCHERS FOR MARCH 2006 APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for March 2006, vouchers 4099 - 4202, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$261,732.14
HIGHWAY FUND	\$ 34,749.42
CAPITAL PROJECT #8	\$ 114.33
WATER DISTRICT #1	\$ 4,785.30
WATER DISTRICT #2	\$ 5,847.10
WATER DISTRICT #3	\$ 2,298.09
WATER DISTRICT #4	\$ 195.42
LIGHTING DISTRICT	\$ 696.00
TRUST & AGENCY	\$ 1,593.07

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Manchester, to enter into Executive Session immediately following the Town Board meeting to discuss a particular personnel matter that may involve potential disciplinary action. All in favor. Motion carried.

CORRESPONDENCE

Appreciation for Meeting Schedule / Congressman Kuhl. A letter was received from Congressman Kuhl, dated March 6, 2006, thanking the Town Clerk for assisting with the scheduling of a Town meeting at the Town Hall on Monday, March 27, 2006 from 10:00 – 10:30 a.m.

Support of Environmental Opportunities / NYSDEC. A letter was received from New York State Department of Environmental Conservation, dated February 28, 2006, outlining grant programs that are available and will be discussed during workshops held across New York State from March 27, 2006 through April 11, 2006.

Flood Map Modernization Program / NYSDEC. A letter was received from New York State Department of Environmental Conservation, dated February 24, 2006, outlining areas that will be further reviewed with the update of the new Flood Insurance Rate Maps (FIRM).

Outdoor Wood Boilers / NYS Office of the Attorney General. A letter was received from Attorney General Spitzer written to Honorable Stephen Johnson, Administrator of New York State Environmental Protection Agency (EPA), dated August 11, 2005, stating that in order to protect public health and the environment, EPA needs to regulate emissions from Outdoor Wood Boilers.

Training Requirements / NYS Legislative Commission on Rural Resources. A notice was received from Ron Brach, Executive Director of New York State Legislative Commission on Rural Resources, dated February 28, 2006, pointing out that a legislation has been introduced that requires local planning and zoning board to receive a minimum of four hours of training each year.

Supervisor Balland temporarily suspended the Town Board meeting.

WATER BOARD

Supervisor Balland opened the Water Board meeting at 7:43 p.m.

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF MARCH 22, 2006

RESOLUTION NO. 140-06

MRB GROUP AGREEMENT FOR PROPOSED WATER DISTRICT 3 EXTENSION

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS the Town Board has received a petition dated February 24, 2006 asking the Town to secure the necessary map, plan, and report for the proposed Water District Extension 3 (Barnes Hill Development area) as per Town resident Jean Bailey's written correspondence dated February 24, 2006, and

WHEREAS Town Law §192 states that a petition for the extension of a Water District must be accompanied by a properly prepared map, plan, and report, and

WHEREAS Town Law §191-a authorizes the Town Board to contract and secure such engineering services to prepare said map, plan and report, such resolution being subject to a permissive referendum upon adoption, and

WHEREAS pursuant to Town Law §191-a, if the proposed extension is hereinafter established, the costs authorized herein shall be reimbursed to the Town by the proposed Water District Extension in the manner provided by law, and

WHEREAS for environmental review, engineering studies are a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (21) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED pursuant to Town Law §191-a, the Town Board authorizes the Town Supervisor to enter into an agreement with MRB Group for the purpose of producing a map, plan, and report for the proposed Water District 3 Extension (Barnes Hill Development area) for the sum not to exceed \$7,500.00 with said costs to be reimbursed to the Town in and when said extension is approved in accordance with Town Law Article 12 or 12-a, and

FURTHER RESOLVED the Town Clerk is hereby authorized and directed to publish the necessary notice concerning the adoption of this resolution as such resolution is subject to a permissive referendum under Town Law Article 7.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

Supervisor Balland closed the Water Board meeting at 7:47 p.m. and reconvened the Town Board meeting. The Town Board entered into Executive Session.

Supervisor Balland reconvened the Town Board meeting. Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 9:02 p.m.

Date approved: _____

Teresa M. Dean, RMC - Town Clerk

MINUTES OF TOWN BOARD MEETING OF APRIL 12, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 David Manchester
 Dean Frisbie
 Attorney Thomas Reed
 Clerk Teresa Dean

ABSENT: Council Mike Smith

Supervisor Balland called the Town Board meeting of April 12, 2006 to order and requested participation in the Pledge of Allegiance.

REPORTS

The following reports for March 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Agriculture & Markets Monthly Report; SPCA Monthly Report; Building Inspector/Code Enforcement Monthly Report; Department of Public Works; Community Center Monthly Report; Supervisor's Fund Balance Report; Assessor's Monthly Report and Justice Court Monthly Report.

The following reports were provided:

- ✓ Facilities: Councilperson Fairbrother explained that a meeting is scheduled for April 17, 2006 to capitalize the main project prior to discussions with an architect;
- ✓ Outdoor patio furniture was purchased for the Community Center and will be painted within the next few weeks;
- ✓ Cable: Councilperson Manchester stated the next meeting will be at the end of April and an audit has been requested;
- ✓ Personnel: Councilperson Manchester also reported that evaluation forms have been ordered;
- ✓ Union Negotiations: Councilperson Frisbie stated a mediator has been appointed;
- ✓ Supervisor Balland provided the following updates:
 - The handicap parking for the Community Center will be added soon;
 - A proposal was discussed at the Community Center Board meeting to have a giving tree at the entry;
 - The Board needs to consider whether or not a speed reduction request is warranted for Kahler Road;
 - Members of Cinderella requested the Town consider having the inmates prepare the softball fields;
 - We have not received notification of the status of the grant application for Whitney Park;
 - A proposal is being considered to extend the sewer district to commercial properties along Maple Street;
 - A meeting is being held on April 17, 2006 to review the Town emergency plan;
 - Steve Furney and Leon Stiles will return to work on April 17, 2006;

MINUTES OF TOWN BOARD MEETING OF APRIL 12, 2006

- Association of Towns – Town Topics had an article that discussed the Board of Ethics – An Indispensable Tool;
- Impact notices for assessments will be mailed within the next week;
- An invitation was received for Sally Mae to announce new job opportunities;
- Notifications have been sent to residents of Retirement Estates and Belaire Drive areas regarding the proposed application for a gravel extension;
- The Easter party at the Community Center was a success;
- A pavilion is being considered and a memorial for Andy Sperr is being planned for September 9; and
- The proposal regarding the State Police locating a sub-office in Big Flats is moving ahead; however, no agreement has been executed.

CONCERNS OF THE PEOPLE

Nancy Reidy, 260 Breed Hollow Road, requested a correction that (1) referenced summer employment staff and (2) the 1997 report should be April 2005 report. She also stated that resolution for adopting the Youth Commission guidelines could be found in the Town Board minute book for the year 1956. Supervisor Balland stated the Town Board was considering a Recreation Committee that would cover youth, adult and senior activities; therefore, the Youth Commission may be dissolved. Supervisor Balland requested that Ms. Reidy put her questions in writing.

Kathleen Shoemaker, 76 Brown Road, explained that Community Days was a rider on the Town of Big Flats insurance; however, they've been informed that they are required to obtain their own insurance. They have received quotes for insurance and it appears that it may be cost prohibitive and requested the Town Board consider allowing Big Flats Community Days, Inc. to be a rider on the insurance policy. Supervisor Balland explained that it was by recommendation of the Attorney for the Town and the Town insurance agency that the insurances be separate. Mrs. Shoemaker stated that Big Flats is unique in the fact it is a community organization that raises money for the Town of Big Flats. A decision to have Community Days obtain their own insurance may close Community Days. Supervisor Balland stated a meeting will be scheduled with the Attorney for the Town and members of Community Days will be scheduled to discuss these issues.

OLD BUSINESS

MINUTES OF TOWN BOARD MEETING OF APRIL 12, 2006

RESOLUTION NO. 141-06
SOUTHERN TIER ECONOMIC GROWTH AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board has determined to enter into an agreement with Southern Tier Economic Growth Inc. (STEG) for the purposes of providing continued economic growth and development services, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Southern Tier Economic Growth Inc. for the purpose of providing continued economic growth and development services for calendar year 2006 at a cost not to exceed \$1,000.00

CARRIED: AYES: Manchester, Fairbrother, Balland
NAYS: Frisbie ABSENT: Smith

NEW BUSINESS

RESOLUTION NO. 142-06
GRANTS TO GO AGREEMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined to enter into an agreement with Grants to Go for the purposes of preparing an Appalachian Regional Commission grant application to Southern Tier Central Regional Planning and Development Board for a sewer project, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Grants to Go for the purpose of preparing an Appalachian Regional Commission grant application to Southern Tier Central Regional Planning and Development Board for a sewer project at a cost not to exceed \$1,000.00.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF APRIL 12, 2006

RESOLUTION NO. 143-06
INTER-MUNICIPALITY SHARED SERVICE AGREEMENT FOR REAL PROPERTY
SERVICES APPLICATION APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS it has been determined that the City of Elmira will provide a hosted application environment to deliver the Real Property System application to contracted municipalities, and

WHEREAS the Town Board has determined that in order to update the State Real Property Service program, it is deemed necessary to complete an Inter-Municipal Shared Services Agreement, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an Inter-Municipal Shared Services Agreement contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 144-06
EXPENDITURE OF HIGHWAY MONEYS, SECTION 284 OF THE HIGHWAY LAW,
AGREEMENT APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS in accordance with Highway Law, Section 284, the Town Supervisor, Town Board, and Commissioner of Public Works are required to enter into an agreement regarding moneys levied and collected in the Town for repair and improvement of highways, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED, in accordance with Highway Law, Section 284, the Town Supervisor, Town Board and Commissioner of Public Works are authorized to enter into the Agreement for the Expenditure of Highway Moneys.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF APRIL 12, 2006

RESOLUTION NO. 145-06
PLOW TRUCK PURCHASE APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Commissioner of Public Works in concurrence with the Highway Department Supervisor recognizes the need to purchase a new plow truck, and

WHEREAS the purchase of a new Highway Department plow truck was planned and budgeted by the Town Board for the year 2006, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same,

NOW, BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a 2006 International Diamond SPEC 7400 SFA 4X2 truck with plowing attachments as outlined on State Bid Contract #PC62176 Item #2 for the sum not to exceed \$105,626.14.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 146-06
COMPACT TRACK MACHINE APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Commissioner of Public Works recognizes the need to purchase a new compact track loader/mower, and

WHEREAS the purchase of a new Drainage Department compact track loader/mower was planned and budgeted by the Town Board for the year 2006, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same,

NOW, BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a 2006 Bobcat T190 compact track loader with brushcat rotary cutter attachment as outlined on Federal Contract #SPO500-01-D-0086 for the sum not to exceed \$39,164.00.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD MEETING OF APRIL 12, 2006

RESOLUTION NO. 147-06
COMPREHENSIVE PAVEMENT MANAGEMENT SYSTEM AGREEMENT APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Town of Big Flats maintains approximately 74 centerline miles of roads, and

WHEREAS the Town desires to manage its roadways with a Pavement Management System, and

WHEREAS pavement management is a systematic method for tracking and addressing pavement condition, and

WHEREAS MRB Group has submitted to the Commissioner of Public Works a proposal dated February 17, 2006 to develop a pavement management system, and

WHEREAS for environmental review, engineering studies are a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (21) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to enter into an agreement with MRB Group for the purpose of developing a Pavement Management System for the sum not to exceed \$18,500.00.

CARRIED: AYES: Manchester, Fairbrother, Balland
NAYS: Frisbie ABSENT: Smith

RESOLUTION NO. 148-06
DECLARATION OF SURPLUS AND ADVERTISEMENT OF THE CARTS APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Director of the Community Center recommends the following items be declared as surplus:

- 4 folding table vertical storage caddy: 9 table capacity – (30”/96” tables)
KI, Green Bay, WI – Model #KTV68/BE
- 3 folding table vertical storage caddy: 8 table capacity – (60” round tables)
KI, Green Bay, WI – Model #KTR9/BE

WHEREAS for environmental review, the surplus of equipment is a Type II action in accordance with SEQRA and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF APRIL 12, 2006

RESOLUTION NO. 148-06, DECLARATION OF SURPLUS AND ADVERTISEMENT OF THE CARTS APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes, as recommended by the Director of the Community Center, declaration of seven (7) folding table vertical storage caddies and authorizes the Town Clerk to advertise these items for sale.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 149-06
64 GOLDEN GLOW DRIVE DECLARATION OF DANGEROUS AND UNSAFE BUILDING

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Director of Building Inspections and Code Enforcement submitted a report with attached photographs dated April 7, 2006, and pursuant to Chapter 15.16 of the Town Municipal Code, has declared the property located at 64 Golden Glow Drive to be a dangerous and unsafe building thereunder, and

WHEREAS said report has been duly filed in the Town Clerk's office, and

WHEREAS the property is owned by Virginia Smith, 64 Golden Glow Drive, Elmira, N.Y., 14905, and

WHEREAS the dwelling was damaged by fire in December, 2005, and the structure is uninhabitable, and has been posted as such by the Department of Code Enforcement, and

WHEREAS for environmental review purposes, this is a Type II action pursuant to SEQRA 6NYCRR Part 617.5(c)(33), and no further action is required thereof, now

BE IT THEREFORE RESOLVED the Town Board finds that the structure is in imminent danger to public welfare and intends to take necessary action to have the structure demolished pursuant to Chapter 15.16.050(B) of the Town Municipal Code, and

FURTHER RESOLVED the Town Board hereby orders a public hearing to be held on April 26, 2006, at 7:01 p.m. in accordance with Chapter 15.16.060 of the Town Municipal Code, and

MINUTES OF TOWN BOARD MEETING OF APRIL 12, 2006

RESOLUTION NO. 149-06, 64 GOLDEN GLOW DRIVE DECLARATION OF DANGEROUS AND UNSAFE BUILDING continued

FURTHER RESOLVED that Virginia Smith be notified pursuant to Chapter 15.16.050(C), with said notice requiring demolition of the damaged structure located on the property at 64 Golden Glow Drive, and that failure to comply with the order that the Town will remove the structures pursuant to Chapter 15.16.070(B), and all charges incurred for demolition and removal are the responsibility of the owner and shall be assessed to the owner accordingly.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester to enter into Executive Session immediately following the Town Board meeting to discuss a particular personnel matter. All in favor, motion carried.

CORRESPONDENCE

Liquor License Renewal Notice/Hilton Garden Inn. A letter was received from Brendalyn Krysiak, General Manager of the Hilton Garden Inn, dated April 3, 2006, informing the Town Clerk of their intent to review their liquor license.

Notice of Training – BOAR / NYS ORPS. A notice was received from the Office of Real Property Services, dated March 31, 2006, informing the Town Board of the training requirements for Board of Assessment Review members to be held on May 9, 2006.

Annual Financial Report / BF Fire District No. 1. The annual financial report for Big Flats Fire District No. 1 was received on April 4, 2006.

Commissioner Wagner noted that a thank you note for the appreciation of snow removal was received from the Horseheads Central School District.

The Town Board entered into Executive Session at 5:14 p.m.

Supervisor Balland reconvened the Town Board meeting at 5:36 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 5:36 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF APRIL 26, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Mike Smith
 David Manchester
 Dean Frisbie
 Attorney Thomas Reed
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting of April 26, 2006 to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to approve the minutes of March 22, 2006 as presented. All in favor, motion carried.

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to approve the minutes of April 12, 2006 as presented. All in favor, motion carried.

REPORTS

Supervisor Balland reported that the patio furniture for the Community Center has been taken to SCT BOCES for painting and will return in approximately 3 weeks.

Councilperson Manchester stated there is a prescription plan education session taking place on April 27 and May 9, 2006 for all participants who are interested. Another meeting has been scheduled on May 9, 2006 hosting a presentation of the deferred compensation plan. The Town Bookkeeper will be attending 6 sessions through Corning Community College regarding Human Resource development. At the RAMS meeting the final touches were presented for the Time Warner Franchise Agreements.

Councilperson Fairbrother stated that the first meeting regarding the Town Hall facilities renovation took place and the main concerns were discussed.

Supervisor Balland offered the following:

- Copies of the documentation Ms. Reidy discussed relative to the Youth Department guidelines and that in 1956 guidelines were adopted and they were a Recreation Committee;
- Department of Public Works – at the next Town Board meeting a proposed resolution to request a lower speed limit on Kahler Road from County Route 64 to Lowe Road will be presented;
- Department of Public Works – letters were sent to those property owners who will be affected by the scheduled road paving;
- Community Center – the family of Dr. Lederer has made a donation of plantings and a plan has been designed to continue the landscaping in front of the Community Center;
- Water Districts – MRB Group is continuing to gather data for the proposed extension to Barnes Hill area;
- Evaluations – evaluations will be completed once the appropriate forms are received;

MINUTES OF TOWN BOARD MEETING OF APRIL 26, 2006

- Assessment – letters have been sent to property owners regarding their new assessments. The Assessor (Bill Torp) is currently on vacation and the Assessors Aide is taking the names and telephone numbers of those individuals who are requesting a meeting with the Assessor;
- Community Days – further discussion has been held relative to the insurance for Community Days and the Town will not be providing additional insurance for Community Days;
- Mediation is scheduled for the Union Contract; and
- The Town Supervisor schedule of upcoming meetings and dates were provided.

CONCERNS OF THE PEOPLE

Paul Reidy, 260 Breed Hollow Road, read a statement expressing his concerns and dissatisfaction with the Town Supervisor and Council relative to issues taking place in the Town of Big Flats.

Len Kaner, 7 Miller Street, stated that he had addressed an issue with the snowplow and recently the sweeper tearing the blacktop on Miller Street. He also stated that the roads the Town is planning to repave are not in as bad of a condition as the roads in the Hamlet. Miller Street, Canal, Church Street, Longwell Avenue and Olcott Road South are in horrible condition. Supervisor Balland stated that Town has a contract with MRB Group to conduct a road study. Mr. Kaner stated that he was aware of this contract; however, with the current deterioration of the roads, they may not make it another winter.

Jane King, 15 Kelley Drive, stated that Olcott Road South is in horrible condition and it appears that the cause of this may be due to the numerous flat bed trucks that utilize this road.

Judy Zimmerman – Director of the Community Center stated that the doors in the great room, due to the single width rather than double doors, were designed to be used as an exit only and were never intended to be used as an entrance. She also clarified that last year Community Days was able to use the Community Center; however, they were told that due to the fact that it was not a Town sponsored function they would be responsible for paying the required charges.

Councilperson Fairbrother stated that he would not be available for the meeting next week involving the Airport plans; however, strongly suggested that the Town representatives request a public meeting be held so that the residents in the neighboring area are able to hear the plan and if necessary express their concerns.

OLD BUSINESS

MINUTES OF TOWN BOARD MEETING OF APRIL 26, 2006

RESOLUTION NO. 150-06
PUBLIC HEARING FOR 64 GOLDEN GLOW DRIVE DECLARATION OF DANGEROUS
AND UNSAFE BUILDING APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Director of Building Inspections and Code Enforcement submitted a report with attached photographs dated April 7, 2006, and pursuant to Chapter 15.16 of the Town Municipal Code, has declared the property located at 64 Golden Glow Drive to be a dangerous and unsafe building there under, and

WHEREAS the Town Board, in the adoption of Resolution No. 149-06, finds that the structure is in imminent danger to public welfare and intends to take necessary action to have the structure demolished pursuant to Chapter 15.16.050(B) of the Town Municipal Code, and

WHEREAS the public hearing was not published and requires modification to permit the advertisement of the public hearing, and

WHEREAS for environmental review purposes, this is a Type II action pursuant to SEQRA 6NYCRR Part 617.5(c)(33), and no further action is required thereof, now

BE IT THEREFORE RESOLVED the Town Board hereby orders a public hearing to be held on May 12, 2006, at 4:31 p.m. in accordance with Chapter 15.16.060 of the Town Municipal Code, and

FURTHER RESOLVED that Virginia Smith be notified pursuant to Chapter 15.16.050(C), with said notice requiring demolition of the damaged structure located on the property at 64 Golden Glow Drive, and that failure to comply with the order that the Town will remove the structures pursuant to Chapter 15.16.070(B), and all charges incurred for demolition and removal are the responsibility of the owner and shall be assessed to the owner accordingly.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF APRIL 26, 2006

RESOLUTION NO. 151-06

2006 SUMMER T.A.F.F.Y. EMPLOYEES APPOINTMENT APPROVED

Resolution by: Smith

Seconded by: Fairbrother

WHEREAS the Big Flats Youth Commission will be hosting the Summer TAFFY Program, and

WHEREAS the Youth Commission conducted interviews and necessary background checks and recommends the Town Board appoint the employees listed below, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following Summer TAFFY employees:

Alyssa Case	420 Tifft Ave., HH	\$7.25
Autumn Chevalier	200 Scenic Drive, HH	\$7.25
Amanda Denkenberger	369 Barnes Hill Rd., HH	\$6.75 Intern
Christopher Drake	28 Green Valley Drive, Big Flats	\$8.00 Rover
Danielle Edwards	3 Hayes Drive, HH	\$7.25
Mark Evans	9 Groff Road, HH	\$6.75 Intern
Jessica Frisbee	51 Cayuga Drive, HH	\$7.25
Elizabeth Garrison	56 Churchill Place, Big Flats	\$7.00
Megan Hart	203 Breed Hollow Road, HH	\$7.25
Alyssa Hoobler	279 Prospect Hill Road, HH	\$7.25
Casey Hutten	57 Woodland Drive, BF	\$6.75 Intern
Timothy Hutten	57 Woodland Drive, BF	\$6.75
Stephanie Jarvis	47 Pine Circle, HH	\$8.50
Patrick Lambert	3 Swamp School Rd, Corning	\$7.00
Craig Mullen	20 Antler Road, Big Flats	\$7.25
Michael Mullen	20 Antler Road, Big Flats	\$7.25
Aiden Reidy	29 Wheaton Rd S., HH	\$7.00
Amber Renko	214 West 13 th St., Elmira Heights	\$7.00
Matthew Smith	299 Smith Road, HH	\$7.00
Caitlin Tokar	56 Canal Street, Big Flats	\$6.75
Elizabeth Vinish	178 Breed Hollow Rd, HH	\$6.75
Kathleen VonBevern	51 Glendale Drive, HH	\$8.25 Program Asst.
Timothy VonBevern	51 Glendale Drive, HH	\$7.00
Eric White	45 Woodland Way, HH	\$7.00 Intern
Desiree Winnett	2881 County Line Drive, Big Flats	\$7.25

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSTAIN: Frisbie

MINUTES OF TOWN BOARD MEETING OF APRIL 26, 2006

RESOLUTION NO. 152-06

FAGAN ENGINEERS AGREEMENT FOR THE PURPOSES OF THE PROPOSED SEWER
DISTRICT EXTENSION ON MAPLE STREET APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Town Board has determined to enter into an agreement with Fagan Engineers for the purposes of preparing a feasibility analysis for the proposed commercial sewer district project along Maple Street, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Fagan Engineers for the purpose of preparing a feasibility analysis for the proposed commercial sewer project along Maple Street at a cost not to exceed \$1,475.80, contingent upon the review and approval by the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 153-06

BOARD OF ASSESSMENT REVIEW SECRETARY APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Board of Assessment Review will be conducting their annual Grievance Day on Tuesday, May 23, 2006 and request the Town Board hire a secretary for these sessions, and

WHEREAS for environmental purposes this a Type 2 Action for purposes of SEQRA in accordance with 6NYCRR, Part 617.5 (c)(20) and as such, requires no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Deanne Williams as Secretary for the Board of Assessment Review during the Grievance Day process on May 23, 2006 at her regular rate of \$10.15 per hour.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 26, 2006

RESOLUTION NO. 154-06
ABSTRACT OF AUDITED VOUCHERS FOR APRIL 2006 APPROVED

Resolution by: Manchester
Seconded by: Frisbie

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for April 2006, vouchers 4203 - 4313, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$75,346.59
HIGHWAY FUND	\$36,599.32
CAPITAL PROJECT #8	\$ 38.55
WATER DISTRICT #1	\$ 5,303.32
WATER DISTRICT #2	\$ 5,141.37
WATER DISTRICT #3	\$ 1,632.65
WATER DISTRICT #4	\$ 711.85
LIGHTING DISTRICT	\$ 696.00
TRUST & AGENCY	\$ 1,298.57

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 155-06
PREPAYMENT APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

RESOLVE the Town Board approves prepayments to Robert Little and Dan Moss in the amount of \$1,400.00 each for roof repair work done at the Post Office.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 26, 2006

RESOLUTION NO. 156-06
JUSTICE COURT ASSISTANCE PROGRAM APPLICATION APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS Helen Schwartz, Town Court Clerk, has identified a possible grant source for the acquisition of a sound system, recording system, computer printer, and State flag for the Town Justice Court through the Justice Court Assistance Program, and

WHEREAS the Town Board determines the acquisition of said equipment for the Town Justice Court is in the best interest of the Town and will assist said court in improving its operations and efficiency, and

WHEREAS the submission of the necessary grant application referenced herein and the acquisition of the above described equipment is a Type II Action for purposes of SEQRA as being routine agency administration, now

BE IT THEREFORE RESOLVED the Town Board authorizes Charles Wood, Robert Gush, Helen Schwartz and the Town Supervisor to execute and submit a grant application to the Justice Court Assistance Program for the acquisition of a recording system, computer printer, and State flag on behalf of the Town to be utilized in the Town Justice Court.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

CORRESPONDENCE

Liquor License Renewal/GMRI, Inc. – The Olive Garden. A letter was received from GRMI, Inc., dated April 5, 2006, on behalf of The Olive Garden, informing the Town Clerk of the intention to renew their Liquor License.

Liquor License Renewal/Tags. A letter was received from Tags, dated April 11, 2006, informing the Town Clerk of the intention to renew their Liquor License.

Notice of Claim/ Mee Jo. A letter was received from Mee Jo, dated April 16, 2006, informing the Town Clerk of her intent to service a Notice of Claim and requesting the name and address of the Attorney for the Town.

Meeting Minutes/RAMS. A copy of the Meeting Minutes was received for the April 4, 2006 RAMS meeting.

Roy Mining Permit Concerns/The Clark's. A letter was received from Bernard and Janet Clark, dated April 15, 2006, expressing their concerns of noise and pollution that will reoccur if the Roy Gravel Mine is permitted to reopen.

MINUTES OF TOWN BOARD MEETING OF APRIL 26, 2006

Roy Mining Permit Concerns/J. Odonnell. A letter was received from Jeff ODonnell, dated April 19, 2006, expressing his opposition for the proposed expansion of the gravel pit.

Election Chargeback/CC Board of Elections. A letter was received from the Board of Election, dated April 17, 2006, outlining the charges that the Town will be required to pay for the cost of the elections beginning in 2007.

Winters Road Speed Limit/NYS DOT. A letter was received from the State of New York Department of Transportation, dated April 18, 2006, concurring with the Town Board request for a reduced speed limit for the Chemung Valley Montessori School on Winters Road. It was also noted the Town may want to reconsider the placement of existing signs. Highway Supervisor Gaylord reported that the concerns addressed in the letter have been reviewed and necessary action has been taken.

Town Planning Board May Meeting Schedule. An outline was received showing the new dates for the Town of Big Flats Planning Board meeting during the month of May.

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to adjourn the Town Board meeting at 7:40 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MAY 10, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Mike Smith
 David Manchester
 Attorney Thomas Reed
 Clerk Teresa Dean

ABSENT: Council Dean Frisbie

Supervisor Balland called the Town Board meeting of May 10, 2006 to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

PUBLIC HEARING: 4:31 p.m. 64 Golden Glow Drive Property Condemnation

Supervisor Balland called the Public Hearing to order at 4:32 p.m. and read the legal notice published in the Elmira Star Gazette on May 1, 2006, to allow and consider public comments concerning the Notice of Violations and Order of Repair or Remove the Unsafe or Dangerous Property located at 64 Golden Glow Drive.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:33 p.m.

REPORTS

Supervisor Balland stated the wood boiler presentation would not be presented this evening. She also provided the following reports:

- ✓ A meeting will be held on May 24, 2006 at the Wings of Eagles to discuss the Airport plans;
- ✓ Previously the County offered a one-third funding program to assist with drainage; however, this program has been discontinued. Therefore, the Supervisor recommended the Town Board consider whether or not the Town would like to conduct a one-half funding program;
- ✓ The Town of Horseheads has hired a part-time employee to write code violations and citations and it appears to have a positive outcome and Supervisor Balland suggested the Town may wish to consider this approach;
- ✓ The first draft Property Maintenance Code is complete and will be distributed for review;
- ✓ The cleaning near the pond off Lowe Road continues;
- ✓ We are in the process of dealing with the following grants:
 - Resubmitting the Whitney Park grant;
 - Preparation of the sewer grant;
 - Considering a grant for transportation enhancement; and
- ✓ A timber harvesting presentation will be held at the next Town Board meeting.

MINUTES OF TOWN BOARD MEETING OF MAY 10, 2006

Councilperson Manchester reported the class for the Bookkeeper has been cancelled due to lack of participants; however, it will be offered in the fall.

CONCERNS OF THE PEOPLE. None.

OLD BUSINESS

RESOLUTION NO. 157-06
REQUIREMENT OF DEMOLITION OF THE STRUCTURE LOCATED AT 64 GOLDEN
GLOW DRIVE APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Town Board has received a report from the Director of Building Inspections and Code Enforcement regarding the physical condition of the property located at 64 Golden Glow Drive, and

WHEREAS said report has been duly filed in the Town Clerk's office, and

WHEREAS the property is owned by Virginia Smith, 64 Golden Glow Drive, Elmira, NY 14905, and

WHEREAS the dwelling was destroyed by fire and has been posted by the Code Enforcement office "Not to be Occupied", and

WHEREAS the Town Board has duly held a Public Hearing on May 10, 2006, and

WHEREAS for environmental review purposes of SEQRA, this is a Type II action pursuant to 617.5(c)(33), and no further review is required, now

BE IT THEREFORE RESOLVED that this Board, pursuant to Chapter 15.16.060 of the Town Municipal Code, hereby affirms the order to demolish the structures located at 64 Golden Glow Drive, remove all construction debris and fill any and all foundations to level grade, not later than May 31, 2006, and

FURTHER RESOLVED that in the event that the owner fails to comply with this order, the Town will have the structures removed and all expenses incurred by the Town shall be borne by the property owner.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland

NAYS: None

ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF MAY 10, 2006

NEW BUSINESS

RESOLUTION NO. 158-06
SPEED LIMIT INVESTIGATION ON KAHLER ROAD APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS due to the layout of the road and the increase traffic from the construction of the interchange, Town residents have verbally requested a reduction of the speed limit on Kahler Road, and

WHEREAS the Town Board determines the speed limit investigation request to be adequate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation of Kahler Road South from its intersection with County Route 64 north to Sing Sing Road.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 159-06
2006 PREVENTIVE PROGRAM (65/35 PROGRAM) AGREEMENT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board has decided to work with the County of Chemung under the 65/35 program for activities within the Town of Big Flats; and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the 2006 Preventive Program agreement with the County of Chemung.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF MAY 10, 2006

RESOLUTION NO. 160-06
SUMMER T.A.F.F.Y. PROGRAM DATES / LOCATIONS APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Youth Commission has determined the dates and location of Summer T.A.F.F.Y.; and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Summer T.A.F.F.Y. program to be held June 28, 2006 through August 4, 2006 from 9:00 a.m. until 2:45 p.m. at the following parks:

Community; Hillview; Maple Shade; Pine Circle; and Reynolds.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO.161-06
CYBER SECURITY CITIZENS' NOTIFICATION POLICY APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS New York State requires that all local governments adopt a policy consistent with the State Technology Law §208 as it relates to cyber security citizens notification; and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board adopts the Town of Big Flats Cyber Security Citizens' Notification Policy dated May 10, 2006.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF MAY 10, 2006

RESOLUTION NO. 162-06
AUTHORIZATION TO VOID CERTAIN CHECKS APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board authorized payment to vendors that have not cashed the checks and currently have passed the six month cashing requirement period, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void the following checks:

Check #2612, dated 06/24/05, issued to Rita Kapron in the amount of \$75.00;
Check #2834, dated 08/26/05, issued to Turks Market in the amount of \$165.00; and
Check #2917, dated 09/30/05, issued to John Decker in the amount of \$75.00

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 163-06
BBD FULFILLMENT PREPAYMENT APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town newspaper is scheduled for mailing prior to the processing of vouchers, and

WHEREAS the vendor has requested a prepayment prior to the processing, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to issue a prepayment to BBD Fulfillment for the processing of the Town newspaper for an amount not to exceed \$870.76.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF MAY 10, 2006

CORRESPONDENCE

Milton Roy Mining Operation Concerns/ Potter; Flesch; Ramsdell; Brink-Campbell; Matterazzo. Letters were received from Dale and Patti Potter, John and Brenda Flesch, Nancy and Edwin Ramsdell, Mary Brink-Campbell and Bernard and Barbara Matterazzo expressing their concerns and objections to the extension of the proposed Milton Roy gravel mining application.

Elmira Empire Zone/STEG. A letter was received from James Johnson, Vice President of Southern Tier Economic Growth, dated April 28, 2006, stating the Elmira Empire Zone Administrative Board elected to restructure their Board by reducing the size and setting term limits for the various positions.

Price Change Notice/Time Warner Cable. A letter was received from Time Warner Cable, dated March 2006, stating their intent to implement some services beginning with customer invoice that cover the April 2006 period.

Residential Assessment Ratio/NYS ORPS. A notice was received from the New York State Office of Real Property Services, dated April 25, 2006, informing the Town Board of the residential assessment ratio would be 89.04 for the 2006 assessment roll if the reassessment process was not conducted.

Notice of Tentative Railroad Ceiling/ NYS ORPS. A notice was received from the New York State Office of Real Property Services, dated April 19, 2006, informing the Town Board of the tentative railroad ceiling for the 2006 assessment roll.

Elmira-Corning Regional Airport Mining Permit/NYS DEC. A letter was received from Steven Army, Mined Land Reclamation Specialist II for New York State Department of Environmental Conservation, dated April 21, 2006, which provided approval for the Elmira-Corning Regional Airport mining permit.

Activity Report for 2005/CC Sheriff's Department. The Town Board received a copy of the Chemung County Sheriff's Office activity report for 2005.

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Manchester, to enter into Executive Session at 5:02 p.m. for the purposes of discussing collective bargaining procedures. All in favor, except Councilperson Frisbie was absent. Motion carried.

Supervisor Balland reconvened the Town Board workshop at 5:30 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 5:30 p.m. All in favor, except Councilperson Frisbie was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Mike Smith
 David Manchester
 Dean Frisbie
 Attorney Thomas Reed
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting of May 24, 2006 to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

PRESENTATION: Don Kloeber and concerned Antler Road Residents

Don Kloeber, 54 Antler Road, explained the residents on the east side of Chestnut Street bridge are concerned with the excessive gravel removal that has created bank erosion in excess of up to 10 feet into homeowner's property. The west side of the bridge has stable banks and streambed width of approximately 30 feet with well sloped banks that allows for vegetation growth. Rip rap and check dams have been installed and effective. Mr. Kloeber requested the Town, County and homeowners work together to develop a plan to create a stable slope, use fill where property has been eroded and trees are in jeopardy, identify plantings to stabilize the banks, and remove gravel selectively. Supervisor Balland explained that she had discussed the residents concerns with NYS Department of Environmental Conservation and Mark Watts of Chemung County Soil and Water Conservation District and recommended that a meeting be held to discuss the former one-third program and the consideration of whether a similar program would work for this area.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to approve the minutes of April 26, 2006 as presented. All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to approve the minutes of May 10, 2006 as presented. All in favor, except Councilperson Frisbie abstained. Motion carried.

REPORTS

Supervisor Balland provided the following reports:

- ✓ A request was made by George Buck to waive the pavilion fees for the end of year picnic of the challenger baseball league;
- ✓ A letter was sent to Big Flats Community Day, Inc. regarding the Town Boards inability to secure insurance coverage for the event;
- ✓ The required notice was duly sent to Virginia Smith of 64 Golden Glow Drive regarding the order to remove all construction debris and fill any and all foundations to level grade no later than May 31, 2006;
- ✓ A meeting will be held on May 30, 2006 to discuss the request of displaying flags on the telephone poles along certain roads within the Hamlet; and

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

- ✓ A committee of Town Board members should be established to review the Property Maintenance Code. Councilpersons Fairbrother and Frisbie will review the code.

CONCERNS OF THE PEOPLE

Judy Zimmerman, Director of the Community Center, reported that the Lederer garden is near completion.

Councilperson Fairbrother stated that he had received complaints about the Synthes building lack of landscaping. He requested a written report regarding the status of the landscaping be prepared and presented at the next Town Board meeting.

RESOLUTION NO. 164-06 CHEMUNG COUNTY HAZARD MITIGATION PLAN ADOPTED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town of Big Flats with assistance from the County of Chemung has gathered information and prepared the Chemung County Hazard Mitigation Plan (the "Plan"), and

WHEREAS the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS the County of Chemung held a public hearing affording all citizens an opportunity to comment and to provide input in the Plan and the actions in the Plan, and

WHEREAS the Town Board has reviewed the Plan and affirms that the Plan will be updated no less than every five years, now

BE IT THEREFORE RESOLVED the Town Board adopts the Plan as this jurisdiction's all Hazard Mitigation Plan and resolves to execute the actions in the Plan.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 165-06
LABERGE GROUP AUTHORIZED TO PREPARE A 2006 TRANSPORTATION
ENHANCEMENT PROGRAM (TEP) APPLICATION APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Director of Planning and Laberge Group have determined that the Town may be eligible for a 2006 Transportation Enhancement Program (TEP) application, and

WHEREAS Laberge Group has offered to prepare an application for the 2006 TEP, Category 5: Landscaping and Other Scenic Beautification, and

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Laberge Group for the preparation of a 2006 Transportation Enhancement Program, Category 5: Landscaping and Other Scenic Beautification at a cost not-to-exceed three thousand dollars (\$3,000.00).

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 166-06
NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION GRANT
APPLICATION FOR WHITNEY PARK DEVELOPMENT PROJECT APPROVED

Resolution by: Manchester
Seconded by: Balland

WHEREAS the Town of Big Flats is desirous of re-submitting an application originally prepared and submitted to the NYS Office of Parks, Recreation and Historic Preservation's 2005 Parks Program – for improvement to Whitney Park, and

WHEREAS the Town of Big Flats Draft Comprehensive Plan to be adopted in Summer 2006 illustrates the need and public support for additional park development, and

WHEREAS 50% or more of the total cost of the project is the responsibility of the Town, and

WHEREAS the project cost is not to exceed \$256,000.00, and

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 166-06, NYS OFFICE OF PARKS, RECREATION & HISTORIC
PRESERVATION GRANT APPLICATION FOR WHITNEY PARK DEVELOPMENT
PROJECT APPROVED continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Supervisor is hereby authorized and directed to re-file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$128,000.00 and upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance and if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and

FURTHER RESOLVED that the Town of Big Flats does hereby commit the funds to be raised from in-kind, land and non-cash donations of labor, materials, equipment, Town force account and general revenues of the Town for park development purposes.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 167-06
BIG FLATS COMMUNITY DAY, INC. AGREEMENT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS Big Flats Community Day, Inc. is a not-for-profit corporation that organizes, operates and runs an annual Community Days festival which is held at the Big Flats Community Park, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the agreement with Big Flats Community Day, Inc. for the purpose of holding the Big Flats Community Days festival at Community Park on June 15-17, 2006 subject to the review and approval by the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 168-06
FEE WAIVER FOR COMMUNITY DAY, INC. APPROVED

Resolution by: Frisbie
Seconded by: Smith

WHEREAS Big Flats Community Day, Inc. is a not-for-profit corporation that organizes, operates and runs an annual Community Days festival which is held at the Big Flats Community Park, and

WHEREAS the festival requires the use of the Community Park and pavilions for a period running from June 11 through June 18, 2006, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board waives the fee for use of Big Flats Community Park for the purposes of holding the Big Flats Community Days festival.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: Frisbie

RESOLUTION NO. 169-06
BIG FLATS COMMUNITY DAY, INC. GAMES OF CHANCE LICENSE APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS an application for Games of Chance was received from Big Flats Community Day, Inc., dated May 23, 2006, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Application for Games of Chance License, dated May 23, 2006, from Big Flats Community Day, Inc. to perform games of chance events as outlined in the application, subject to a determination that designated members conducting bingo games are of good moral character.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 170-06
AMERICAN FIREWORKS MANUFACTURING FIREWORKS PERMIT APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS Big Flats Community Day, Inc. will be holding their annual Community Days Festival June 15 through 17, 2006, and

WHEREAS Big Flats Community Day, Inc. has contracted with American Fireworks Manufacturing Co. Inc. to conduct a fireworks display on June 16, 2006 with a rain date of June 17, 2006, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Fire Commissioner to sign the Fireworks Permit permitting the fireworks display per the agreement between Big Flats Community Day, Inc. and American Fireworks Manufacturing Co., Inc. to be held on June 16, 2006 with a rain date of June 17, 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 171-06
MRB GROUP AGREEMENT OF THE PROPOSED SEWER DISTRICT EXTENSION
APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has investigated and received numerous inquiries from interested parties requesting the Town construct a sanitary sewer system in the area of Maple Street of the Town, and

WHEREAS it is the Town's understanding and intention that the creation of the subject Sewer District shall be accomplished by way of the petition process as set forth and detailed in Article 12 of the Town Law, and

WHEREAS it is hereby declared that the Town's intention to finance the creation of the proposed district is to utilize any and all grant or public money available to offset the costs associated therewith, request the affected stakeholders contribute additional funds towards the same above and beyond those contributions required by law, incur bonded indebtedness and/or utilize any and all combinations of these sources of revenue, and

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 171-06, MRB GROUP AGREEMENT OF THE PROPOSED SEWER DISTRICT EXTENSION APPROVED continued

WHEREAS Town Law, §192 states that a petition for the creation of a Town Sewer District must be accompanied by a properly prepared map, plan, and report, and

WHEREAS Town Law §191-a authorizes the Town Board to contract and secure such engineering services to prepare said map, plan and report, such resolution being subject to a permissive referendum upon adoption, and

WHEREAS pursuant to Town Law §191-a, if the proposed district is hereinafter established, the costs authorized herein shall be reimbursed to the Town by the proposed Sewer District in the manner provided by law, and

WHEREAS for environmental review, engineering studies are a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (21) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED pursuant to Town Law §191-a, the Town Board authorizes the Town Supervisor to enter into an agreement with MRB Group for the purpose of producing a map, plan, and report for the creation of the proposed Town Sewer District No. 1 (Maple Street) for a sum not to exceed Six Thousand Seven Hundred Dollars (\$6,700.00) with said costs to be reimbursed to the Town if and when said District is created in accordance with Town Law Article 12, and

FURTHER RESOLVED the Town Clerk is hereby authorized and directed to publish the necessary notice concerning the adoption of this resolution as such resolution is subject to a permissive referendum under Town Law Article 7.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Drainage Position. Deleted from the Agenda.

50/50 Drainage Proposal. Deleted from the Agenda.

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 172-06

FAGAN ENGINEERS AGREEMENT FOR ENGINEERING SERVICES FOR KENT BROWN
/ FOOD BANK SHARED DRIVEWAY DESIGN APPROVED

Resolution by: Manchester

Seconded by: Balland

WHEREAS the Commissioner of Public Works recognizes the need for an engineered solution for the Kent Brown / Food Bank shared drive project, and

WHEREAS a proposal was received from Fagan Engineers identifying the scope of services to provide such engineered solution at a cost of \$3,000.00, and

WHEREAS Chemung County has agreed to split the cost of the engineering services, and

WHEREAS for environmental review, engineering studies are a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (21) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Fagan Engineers for the purpose of producing a Topographic Survey and Design of Driveway at a cost not to exceed \$1,500.00 contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland

NAYS: Frisbie

RESOLUTION NO. 173-06

GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Bookkeeper is recommending that certain accounts need budget increases due to salary changes and a copier lease, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to make the following General Fund Budget Transfers:

FROM: Purchase of Land A1940.0200 \$14,100.00

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 173-06, GENERAL FUND BUDGET TRANSFER continued

TO:	Planning (salary)	A8020.0100	\$2,000.00
	Planning (contractual)	A8020.0400	\$600.00
	Building Inspector	A8021.0100	\$11,500.00

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 175-06
CORNING COMMUNITY COLLEGE CHECK VOID APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Town Board authorized payment to Corning Community College for the purpose of the Bookkeeper attending a class, and

WHEREAS due to the lack of participants, Corning Community College has cancelled said class and returned payment to the Town, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void the Corning Community College check dated April 28, 2006, check #3603, in the amount of \$300.00.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 176-06
ABSTRACT OF AUDITED VOUCHERS FOR MAY APPROVED

Resolution by: Smith
Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for May 2006, vouchers 4314 - 4420, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$43,705.31
HIGHWAY FUND	\$21,142.21
CAPITAL PROJECT #8	\$ 296.75
WATER DISTRICT #1	\$ 5,805.15
WATER DISTRICT #2	\$ 4,806.00
WATER DISTRICT #3	\$ 2,008.72
WATER DISTRICT #4	\$ 290.12
LIGHTING DISTRICT	\$ 696.00
TRUST & AGENCY	\$ 1,298.57

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 177-06
SOUTHERN TIER BUILDING OFFICIALS TRAINING APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Southern Tier Building Officials Association (STBOA) is an organization for Code Enforcement Officers, and

WHEREAS STBOA provides training programs for said Code Enforcement Officers, and

WHEREAS New York State requires Code Enforcement Officers to obtain 24 credit hours of training annually to maintain state certification as a Code Enforcement Officer, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Charles Coons and Eric Corey to attend the STBOA meeting on June 7, 2006 with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 178-06
THE DOCUMENT COMPANY COPIER LEASE APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Lease on the current copy machine expires on June 30, 2006, and

WHEREAS quotes were received from Twin Tier Imaging and The Document Company, and

WHEREAS a new copier can be leased from The Document Company in the amount of \$98.54 per month for a term of 60 months, and

WHEREAS the Lease Agreement includes maintenance and supplies, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, part 617.5 (c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a Lease Agreement with The Document Company for a CC128 copier with duplexing and finisher for the sum of \$98.54 per month for a term of 60 months.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: Frisbie

RESOLUTION NO. 179-06
TOWN BOARD SPECIAL MEETING – JUNE 14, 2006 AT 7:00 P.M.

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined and the Chemung County representatives have agreed that a special meeting is necessary for the purposes of allowing representatives of the County to provide an overview of the proposed Airport Master Plan, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Special Town Board meeting for June 14, 2006 at 7:00 p.m. for the purposes hearing a presentation of the proposed Airport Master Plan.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

CORRESPONDENCE

Smith – Winters Road Proposal/Alec R. Wolcott. A letter was received from Alec R. Wolcott, 42 Chambers Road, dated May 8, 2006, expressing his concern with a proposed flood control and road construction by Dick Smith, along with a copy of a letter to Mr. Smith.

CHIPS Update / NYSDOT. A letter was received from New York State Department of Transportation, dated May 1, 2006, announcing the State Budget includes an increase over the Consolidated Local Streets and Highway Improvement Programs (CHIPS) monies for 2006-2007.

Sing Sing Road Pit Reply / Town of Big Flats. A letter was sent to John Cole of New York State Department of Environmental Conservation, dated May 8, 2006 from the Director of Planning expressing concerns with the proposed Sing Sing Road Pit Mining Permit.

Zip Codes Update / Congressman Kuhl. A letter was received from Congressman Kuhl, dated April 24, 2006, informing the Town Supervisor that he has taken the liberty of contacting the United States Postal Service regarding the numerous zip codes in the Town of Big Flats.

Millennium Pipeline Co./CCIDA Public Hearing Notice. A notice was received from Chemung County Industrial Development Agency informing the Town Board of a public hearing being held at the Horseheads Town Hall on June 13, 2006 regarding the proposed Millennium Pipeline Company, L.P. Project.

Attorney Reed reported the decision and order was received from Judge Mulvey regarding the Harry Kesselring and Margaret Melville claim and the Judge granted the motion to dismiss the claim and awarded costs in the proceeding.

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 8:47 p.m. All in favor, motion carried.

WATER BOARD

Supervisor Balland opened the Water Board meeting at 8:47 p.m.

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF MAY 24, 2006

RESOLUTION NO. 179-06
WATER DISTRIBUTION SYSTEM DEDICATION WITH EASEMENTS FOR CNLRS
EXCHANGE 1, INC (TARGET, ETC.) APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS CNLRS Exchange 1, Inc. has offered, by letter dated May 17, 2006, to dedicate to the Town the water distribution system and easements located within the area known as Commercial Net Lease development (Target, etc.) as more fully described on the map, plan and report entitled, "District Extension Report for Commercial Net Lease", prepared by Bohler Engineering dated January 18, 2006, a copy of which is on file with the Town Clerk, and

WHEREAS said District Extension was approved by Resolution on March 8, 2006, and

WHEREAS this is a TYPE II action for purposes of SEQRA as it is a ministerial act that requires no further environmental review, now

BE IT THEREFORE FURTHER RESOLVED the Town Supervisor is hereby authorized to execute and file any and all documents to effectuate the acceptance of said Water System and easements subject to the review and final approval of the Commissioner of Public Works and the Attorney of the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother to adjourn the Water Board meeting at 8:53 p.m.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Mike Smith
 David Manchester
 Clerk Teresa Dean
 Deputy Clerk Sheree McGannon

ABSENT: Council Edward Fairbrother
 Dean Frisbie
 Attorney Thomas Reed

Supervisor Balland called the Town Board meeting of June 14, 2006 to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

Attorney Reed arrived at 4:39 p.m.

PRESENTATION: Charles L. Coons, Code Enforcement on Outdoor Furnaces

Chuck Coons explained the current lack of regulations for the installation and use of Outdoor Furnaces. The furnaces are installed outside a residence in a shed or shanty structure and used to furnish heat to the home. These furnaces may produce harmful and noxious emissions. Mr. Coons provided the Town Board with a sample local law that would regulate or prohibit the installation and operation of Outdoor Furnaces. Some of the requirement concerns are permit requirements, types of fuel used, setbacks, months of operation and smoke stack heights.

REPORTS

Supervisor Balland provided the following reports:

- MRB Group is still reviewing the engineering for the Water District Extension.
- The sewer grant has been submitted,
- The Committee for Trooper Sperr is still meeting, food and beverages have been donated, Wings of Eagles has been looked at for a location and local fire departments will provide traffic control for the memorial,
- Transportation Enhancement Program grant deadline is June 30, 2006. The grant will provide landscaping, sidewalks, curb cuts, etc. in the Hamlet. The Town would have to provide a 20% match to the awarded monies,
- Met with Chairperson for the Town Center Committee, Pam Farr regarding the flags and banners,
- A meeting on the Airport Expansion is scheduled for June 26, 2006 at 6:30 p.m.,
- The County Route 64 grant has been submitted, and
- The 50/50 drainage project for Fawn Acres along the creek needs to be reviewed by the Town Attorney.

Don Kloeber a resident of Antler Road read a letter submitted by the residents of Antler Road regarding the 50/50 project. The residents support the project and agree to the funding guidelines. The residents also requested the Town remove gravel and grade the south bank to minimize future erosion that could jeopardize the north bank.

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

The residents thanked the Town and County employees and the Town Board for their cooperation.

- Sykorski Aircraft will be in on June 19, 2006 to start the Site Plan application process,
- BOCES Students painted the outdoor furniture for the Community Center and did a wonderful job,
- The Zoning Committee is working hard to meet the Moratorium deadline, and
- The Town mowed one lawn that had not been mowed yet this year and worked with an Attorney to get another property taken care of.

The following reports for May 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Building Inspector/Code Enforcement Officer Reports; Supervisor's Fund Balance Report; SPCA Monthly Report; Agriculture & Markets Monthly Report; Parks Commission Meeting Minutes; Community Center Monthly Report; Assessor's Monthly Report; Assessor's Annual Report; Department of Public Works Monthly Report; Justice Court Monthly Report.

CONCERNS OF THE PEOPLE

Joe Brennan, 3275 Stoneybrook Road, requested the Town Board revisit the current sign law relative to the posting of political signs. The current law allows signs to be placed 45 days before a primary and removed 10 days after the primary. Mr. Brennan recommended the Town consider having the law coincide with the political calendar established by Board of Elections, which begins June 6th.

Councilperson Manchester stated he received a complaint regarding the speed limit in the John Roy Subdivision, specifically a school bus that travels this road. Supervisor Balland stated that she will contact the School Transportation Department.

NEW BUSINESS

RESOLUTION NO. 180-06

TOWN BOARD MEETING TIME CHANGE FOR JUNE 28, 2006 APPROVED

Resolution by: Balland

Seconded by: Smith

WHEREAS the Town Board has determined the meeting scheduled for June 28, 2006 at 7 pm should convene at 4:30pm, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

RESOLUTION NO. 180-06 TOWN BOARD MEETING TIME CHANGE FOR
JUNE 28, 2006 APPROVED continued

BE IT THEREFORE RESOLVED the Town Board sets the Town Board meeting for
June 28, 2006 at 4:30 p.m. at the Big Flats Town Hall.

CARRIED: AYES: Smith, Manchester, Balland
NAYS: None
ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 181-06
AUTHORIZATION FOR BILL TORP – TOWN ASSESSOR TO ATTEND THE
CORNELL CONFERENCE ON APPRAISING FROM JULY 17 – 21, 2006
APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS this Board has received a request from the office of the Assessor for William
Torp to attend a conference at Cornell University on Appraising from July 17 to July 21,
2006, and

WHEREAS for environmental review purposes, administration is a Type II action in
accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is
necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes William Torp to attend the
Cornell Conference from July 17 to July 21, 2006 with the costs being paid from the
appropriate account.

CARRIED: AYES: Smith, Manchester, Balland
NAYS: None
ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 182-06
GRANT SUBMISSION TO THE NEW YORK STATE ENVIRONMENTAL
PROTECTION FUND FOR A LOCAL WATERFRONT REVITALIZATION
PROGRAM SUPPORT AND SPONSORSHIP APPROVED

Resolution by: Manchester
Seconded by: Balland

WHEREAS Cornell Cooperative Extension of Chemung County is submitting a grant
application in the amount of \$10,000 to the New York State Environmental Protection
Fund for a Local Waterfront Revitalization Program, and

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

RESOLUTION NO. 182-06 GRANT SUBMISSION TO THE NEW YORK STATE ENVIRONMENTAL PROTECTION FUND FOR A LOCAL WATERFRONT REVITALIZATION PROGRAM SUPPORT AND SPONSORSHIP APPROVED
continued

WHEREAS the funds will support work to create an inter-municipal foundation of collaborative effort for a comprehensive river plan addressing community development, access, environmental issues and economic development opportunities, and

WHEREAS the outcome of the work will be (1) to convene and develop a productive working network among community, municipal and inter-municipal representatives with a common interest in environmentally responsible river development in Chemung County; (2) to build a clearinghouse/toolbox of data, community input, resources and information regarding priority issues and concerns; and (3) to prepare a countywide 2006-2007 Local Waterfront Revitalization Program proposal and New York Greenways Compact, and

WHEREAS Cornell Cooperative Extension will do the majority of the work with the grant requiring a 50/50 match that will be created from Cornell Extension and volunteer resources, and

WHEREAS communities involved include the Town of Elmira, Town of Southport, Town of Ashland, Town of Chemung and the City of Elmira, and

WHEREAS for environmental review this is an administrative act, a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board supports and sponsors the grant submission by Cornell Cooperative Extension of Chemung County to the New York State Environmental Protection Fund for a Local Waterfront Revitalization Program.

CARRIED: AYES: Manchester, Smith, Balland

NAYS: None

ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 183-06

AMENDMENT TO THE 2006 SUMMER T.A.F.F.Y. EMPLOYEES APPROVED

Resolution by: Smith

Seconded by: Manchester

WHEREAS the Big Flats Youth Commission will be hosting the Summer TAFFY Program June 28 - August 4, 2006, and

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

RESOLUTION NO. 183-06 AMENDMENT TO THE 2006 SUMMER T.A.F.F.Y.
EMPLOYEES APPROVED continued

WHEREAS Youth Services recommends the Town Board amend the employees as outlined in a memo dated June 1, 2006 and June 5, 2006, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board makes the following amendments to the Summer TAFFY employees:

To Remove:

Elizabeth Garrison	56 Churchill Pl, Big Flats
Michael Mullen	20 Antler Rd, Big Flats
Danielle Edwards	3 Hayes Dr, Big Flats
Autumn Chevalier	200 Scenic Drive, Horseheads

To Appoint:

Lorelei Wagner	19 Cayuga Dr, Big Flats	\$7.00
Christopher Allen	94 Hillview Dr, Big Flats	\$7.00
Amanda Jarvis	47 Pine Circle, Big Flats	\$7.00
Kaitlin Olmstead	88 Suburban Drive, Big Flats	\$7.00

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None
ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 184-06
VOID A CHECK APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS it has been determined that the May 2006 Abstract of Audited Vouchers contained incorrect vendor coding, and

WHEREAS said check needs to be voided and vouchers resubmitted for the June 2006 Abstract of Audited Vouchers, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

RESOLUTION NO. 184-06 VOID A CHECK APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void the following check:

Check #3713 05/26/2006 Glenn Farr Excavating \$1400.00

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None
ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 185-06
BACKYARD BROADCASTING FIREWORKS DISPLAY APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS Backyard Broadcasting has contracted with Young Explosives to conduct a fireworks display at the Elmira Corning Regional Airport on July 1, 2006 with a rain date of July 2, 2006, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney for the Town, permitting the fireworks display sponsored by Backyard Broadcasting at the Elmira Corning Regional Airport to be held on July 1, 2006 with a rain date of July 2, 2006.

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None
ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 186-06
AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION FOR THE
MULTI-MODAL 4 PROGRAM APPROVED

Resolution by: Balland
Seconded by: Smith

WHEREAS the Town is interested in constructing a bridge to connect the walking trail to Maple Street, and

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

RESOLUTION NO. 186-06 AGREEMENT WITH THE DEPARTMENT OF
TRANSPORTATION FOR THE MULTI-MODAL 4 PROGRAM APPROVED
continued

WHEREAS an application was submitted to obtain Multi-Modal funds from the
Department of Transportation for said bridge, and

WHEREAS the application was approved by the Department of Transportation, and

WHEREAS for environmental review purposes, administration is a Type II action in
accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is
necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to
enter into an agreement with the New York State Department of Transportation (MM
OSC Contract # D026005).

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None
ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 187-06
PUBLIC HEARING SET FOR THE PROPOSED COMPREHENSIVE PLAN
APPROVED

Resolution by: Balland
Seconded by: Smith

WHEREAS the Town of Big Flats has undertaken the preparation of a new
Comprehensive Master Plan which is an update to the current Comprehensive Plan, and
this action is being considered Type 1 Action pursuant to the New York State
Environmental Quality Review Act (SEQRA) 6NYCRR, Part 617.4(b)(1), and

WHEREAS the Town Board has the power to adopt a Comprehensive Plan and Zoning
Law under the provision of Town Law and is the only Involved Agency, now

BE IT THEREFORE RESOLVED that the Town Board intends to be Lead Agency for
the preparation of a new Comprehensive Master Plan, and

FURTHER RESOLVED the Town Board authorizes the Town Supervisor to sign a
notification of said action to the appropriate Interested Agencies: Commissioner of
NYSDEC, Regional Permit Administrator of NYSDEC Region 8, Chemung County
Executive, Chemung County Legislature, Chemung County Clerk, Chemung County
Department of Public Works, Chemung County Sewer District No. 1,

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

RESOLUTION NO. 187-06 PUBLIC HEARING SET FOR THE PROPOSED
COMPREHENSIVE PLAN APPROVED continued

Chemung County Aviation Department, Chemung County Soil and Water Conservation, Chemung County Planning Department, Chemung County Health Department, Chemung County Executive Transportation Committee, Steuben County Executive, Steuben County Clerk, Steuben County Legislature, Town of Catlin Supervisor, Town of Elmira Supervisor, Town of Horseheads Supervisor, Village of Horseheads Manager, Town of Corning Supervisor, Town of Caton Supervisor, and

FURTHER RESOLVED the Town Board authorizes the Town Supervisor to sign the Part 1 -- Project Information, as required under SEQRA 6NYCRR, for the Comprehensive Master Plan, and

FURTHER RESOLVED the Town Board sets a public hearing for July 12, 2006 at 4:33 p.m. to hear comments regarding the proposed 2006 revised Comprehensive Master Plan.

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None
ABSENT: Frisbie, Fairbrother

RESOLUTION NO. 188-06
NYS DEPARTMENT OF TRANSPORTATION, TRANSPORTATION
ENHANCEMENT PROGRAMS FOR PEDESTRIAN FACILITY IMPROVEMENTS
(SIDEWALKS) AND BEAUTIFICATION PROJECT APPLICATION APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS the Town is desirous of submitting an application for grant funds construct sidewalks in the Town Center's main street corridors for an estimated budget amount for no less than \$100,000 and not to exceed \$2 Million Dollars from the Inter-modal Surface Transportation Efficiency act of 1991 (ISTEA), and continued in the Transportation Equity act for the 21st Century (TEA 21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and

WHEREAS the Town's *Town Center Strategic Plan*, adopted 2005, sets forth goals and activities and specifically Goal #8 which states, "Throughout the Town Center, streetscape improvements should include the installation of new sidewalks, curbs, street trees, and the designation of on and off street parking areas. Specifically, Hammond, Canal, and Main Streets must incorporate new pedestrian amenities in any redevelopment plan to allow for safe usage by residents and students throughout the area", and

WHEREAS the federal share of a Transportation Enhancement Project can be no greater than 80% of the project and the non-federal share can be no less than 20%; and sources for the non-federal share can include local funds, CHIPS capital funds, state legislative

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

RESOLUTION NO. 188-06 NYS DEPARTMENT OF TRANSPORTATION,
TRANSPORTATION ENHANCEMENT PROGRAMS FOR PEDESTRIAN FACILITY
IMPROVEMENTS (SIDEWALKS) AND BEAUTIFICATION PROJECT
APPLICATION APPROVED continued

member item funds, other federal funds (excluding USDOT funds), and certain non-cash sources such as donations of land, material and labor, and

WHEREAS for environmental review purposes, this is administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized and directed to file an application for funds from the New York Department of Transportation in accordance with the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETE-LU) in an amount not to exceed two million dollars, and upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance.

CARRIED: AYES: Manchester, Smith, Balland
NAYS: None
ABSENT: Frisbie, Fairbrother

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Manchester, to enter into Executive Session immediately following the Town Board meeting to discuss a particular personnel matter and proposed contract. All in favor except Councilperson Frisbie and Fairbrother were absent. Motion carried.

CORRESPONDENCE

Response to Speed Study Request on Kahler Rd/NYS DOT. A letter was received from New York State Department of Transportation, dated May 22, 2006, denying a new speed study for Kahler Road stating the analysis from the Fall of 2004 is still appropriate.

STEG/G. Miner. A letter was received from George Miner, President of Southern Tier Economic Growth, Inc., dated May 9, 2006, thanking the Town for taking the time to meet with him.

2007 Preventive Program Budgets/R. Harris. A letter was received from Robert Harris of the Chemung County Youth Bureau & Recreational Services, dated May 22, 2006, requesting the Town provide the Bureau with our anticipated 2007 total preventive program costs by June 30, 2006.

MINUTES OF TOWN BOARD MEETING OF JUNE 14, 2006

Response to Zip Code Change Request/USPS. A letter was received from the United States Postal Service, dated May 12, 2006, regarding the number of zip codes in the Town of Big Flats. The letter states it would be far too costly to adjust zip codes based only on the loss of community identity. Changes are approved based on mail volume, delivery area size, geographic location and topography.

Reassessment Concerns/L. Stone. A letter was received from Lucy Stone, 228 Leisure Lane, dated May 13, 2006, stating that her house is constantly being reassessed even though it is covered in dust from the adjacent gravel pit.

Landscaping work at Synthes Facility/R. Lerner. A letter was received from Ron Lerner, Plant Manager at Synthes, dated May 25, 2006, stating work on the landscaping at Synthes has begun and it should be completed within 4 to 6 weeks.

Liquor License Renewal/Crystal House Restaurant. A letter was received from Samuel Kemp II of the Crystal House Restaurant, dated June 6, 2006, stating his intent to renew a Liquor license.

The Town Board entered into Executive Session at 5:15 p.m.

Supervisor Balland reconvened the Town Board meeting at 6:17 p.m.

Councilperson Manchester made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 6:18 p.m. All in favor, except Councilperson Frisbie and Fairbrother were absent. Motion carried.

Date approved: _____

Sheree C. McGannon
Deputy Town Clerk

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Mike Smith
 David Manchester
 Dean Frisbie
 Attorney Thomas Reed
 Clerk Teresa Dean

ABSENT: Council Edward Fairbrother

Supervisor Balland called the Water Board meeting of June 28, 2006 to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 189-06
WATER DISTRICT #1 BUDGET AMENDMENT APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Town of Big Flats Water District #1 received funds from National Properties, Inc. (Target) for the purposes of installing a fence for safeguarding around Water District #1 well, and

WHEREAS said funds requires a Water District #1 budget amendment for 2006, now

BE IT THEREFORE RESOLVED the Water Board makes the following budget amendments:

Increase Estimated Revenues	S10510	\$7,183.00	
Unclassified Revenue	S12270	\$7,183.00	
Increase Estimated Appropriations	S10960	\$7,183.00	
Source & Supply Pwr. & Pump	S18320.0200	\$7,183.00	

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
 NAYS: None ABSENT: Fairbrother

Councilperson Manchester made a motion, seconded by Councilperson Frisbie to adjourn the Water Board meeting at 4:36 p.m.

TOWN BOARD

Supervisor Balland called the Town Board meeting to order at 4:36 p.m.

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

REPORTS

Chuck Coons, Director of Building and Code Enforcement, explained that he has conducted further research and found that technology is continuously changing and the newer wood burning furnaces are running at a higher efficiency. Therefore, the Town may wish to consider amending the regulations to permit higher efficiency furnaces. Supervisor Balland clarified the proposed Local Law should specify sheltered and non-sheltered furnaces are covered under this proposal. Chuck explained that he spoke with a representative of the wood burning furnaces and they explained it does not make sense to use coal in these furnaces due to the fact that coal is not as efficient as wood.

Ann Clarke, Aviation Department Manager of the Elmira-Corning Regional Airport, explained that the Airport is in the process of updating their master plan from 1999. The master plan is a blueprint for what they would like to see. Since 1999 there have been major changes that have affected aviation. At this point alternatives are being reviewed that would permit additional runway lengths, larger planes to accommodate 90-100 passengers, and other various objectives. If any of these objectives would take place, a full environmental study would have to be completed. Ms. Clarke also noted the projects could not take place if they are not in the master plan. She also stated that all objectives identified are within the boundaries of the Elmira-Corning Regional Airport and/or County property.

Supervisor Balland provided the following reports:

- Tour of the landfill was cancelled due to weather;
- Discussions are being held with State representatives to determine whether or not funds are available for the proposed sewer and water district extension projects;
- Concerns have been raised with regard to parking on Main Street and the Town Board was asked to explore no parking at the intersections;
- Budget workshops will be held every Wednesday for the month of August;
- There is discussion of the purchase of another Town vehicle;
- 64 Golden Glow Drive property has been cleaned;
- A meeting will be held with the State Police next week; and
- No news on the grants that have been submitted.

MINUTES

Supervisor Balland made a motion, seconded by Councilperson Frisbie, to approve the minutes of May 24, 2006 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Councilperson Manchester made a motion, seconded by Councilperson Smith, to approve the minutes of June 14, 2006 as presented. All in favor, except Councilperson Frisbie abstained and Councilperson Fairbrother was absent. Motion carried.

CONCERNS OF THE PEOPLE

Gary Bernhardt, 809 Harris Hill Road, thanked the Highway Department for the drainage work performed on Halderman Hollow Road near the intersection of Harris Hill Road during the rainstorm.

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

Donald Gaylord, 316 Reasor Hollow Road, stated that with regard to the outdoor wood stoves the Town of Big Flats has over 3,000 parcels and currently there are 3 wood stoves in the Town. These stoves run everyday of the week and never shut down. More smoke is generated from grills than these wood stoves.

NOTE: Councilperson Fairbrother arrived at 4:58 p.m.

OLD BUSINESS

RESOLUTION NO. 190-06

TOWN OF BIG FLATS 50/50 STREAM MAINTENANCE PROGRAM APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Town has experienced a general historical risk of flooding and is situated in an area known for poor drainage systems, and

WHEREAS the Town has reviewed the past Chemung County Soil & Water Conservation District's "One-Third, One-Third, One-Third" Program designed to provide a collaborative process between public and private landowners to minimize County wide flooding and drainage risk, and

WHEREAS the Chemung County Conservation District's Program has been discontinued, and

WHEREAS the Town hereby declares it to be in the Town's best interest and furtherance of the residents health, safety and welfare to implement a Town version of said County Program, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby establishes and approves the creation of the Town of Big Flats Fifty-Fifty Stream Maintenance Program subject to the final review and approval of the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

RESOLUTION NO. 191-06
YOUTH COMMISSION MEMBERS COMPENSATION APPROVED

Resolution by: Fairbrother

Seconded by: Frisbie

WHEREAS the Town Board adopted Resolution No. 43-06 at its regularly scheduled meeting of January 4, 2006 that approved the compensation for boards and commissions members, and

WHEREAS it was discovered that the Youth Commission was inadvertently excluded from said compensation, and

WHEREAS for environmental review purposes, administration is a Type II Action in accordance with SEQRA, 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that each regular member of the Youth Commission of the Town of Big Flats shall be paid \$15.00 for each regularly scheduled monthly meeting actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 192-06
2006 SUMMER T.A.F.F.Y. EMPLOYEES HIRE DATE APPROVED

Resolution by: Smith

Seconded by: Manchester

WHEREAS the Big Flats Youth Commission will be hosting the Summer TAFFY Program June 28 - August 4, 2006, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor, upon a request from the Recreational Leader, to authorize the Program Assistant(s) and Rover to begin employment beginning June 5, 2006 through August 11, 2006 to assist with the preparation and cleanup of the Summer T.A.F.F.Y. program.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

RESOLUTION NO. 193-06

2006 SUMMER T.A.F.F.Y. EMPLOYEES RESIGNATION/APPOINTMENT APPROVED

Resolution by: Frisbie

Seconded by: Fairbrother

WHEREAS the Big Flats Youth Commission will be hosting the Summer TAFFY Program June 28 - August 4, 2006, and

WHEREAS Youth Services recommends the Town Board amend the employees as outlined in a note dated June 19, 2006, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends the Summer TAFFY employees by removing Timothy VonBevern, 51 Glendale Drive, Horseheads and appointing Erin Rourke, 11 Algonquin Drive, Horseheads at the rate of \$7.00 per hour.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 194-06

OWEGO CONTRACTING CO., INC. PERFORMANCE BOND RELEASE APPROVED

Resolution by: Manchester

Seconded by: Frisbie

WHEREAS a timber harvesting application had been received from Leonard R. McMaster to permit Owego Contracting Co., Inc. to harvest approximately 62,000 board feet of timber from 75 acres of their land, Tax Parcels 77.00-1-31, and

WHEREAS the Town Board duly approved said request by adopting Resolution No. 234-05, and

WHEREAS said Timber Harvesting has been completed and an inspection was performed by William Haner – Code Enforcement Officer for the Town of Big Flats, and

WHEREAS for environmental purposes this is a Type II action in accordance with SEQRA, now

BE IT THEREFORE RESOLVED the Town Board authorizes the release of the performance bond in the amount of Two Thousand Two Hundred Fifty Dollars (\$2,250.00) to Owego Contracting Co., Inc.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

NEW BUSINESS

Part-time Temporary Employment. Supervisor Balland removed this item from the agenda.

RESOLUTION NO. 195-06

SPEED LIMIT ZONE FOR BROOKWOOD HILLS SUBDIVISION REQUEST APPROVED

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS the Town of Big Flats has received and accepted the road designation for Brookwood Hills Subdivision, and

WHEREAS the Town Board does not have the authority to designate a speed zone for this area and has determined that a limit needs to be established, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works and New York State Department of Transportation establish a speed limit zone for Brookwood Hills Subdivision the entire length of Milton Lane and Brookwood Hills Drive.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 196-06

BID ADVERTISEMENT FOR PEDESTRIAN WALKWAY APPROVED

Resolution by: Smith

Seconded by: Frisbie

WHEREAS the Town of Big Flats has received notification of approval for a Multi Modal grant per Resolution No. 186-06 for the purchase and installation of a pedestrian walkway for the walking trail near the intersection of Winters, Maple and Hibbard Roads, and

WHEREAS for environmental review purposes, the purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

RESOLUTION NO. 196-06, BID ADVERTISEMENT FOR PEDESTRIAN WALKWAY
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to advertise the bid to purchase and installation of a pedestrian walkway for the walking trail near the intersection of Winters, Maple and Hibbard Roads contingent on the review and approval of the bid specifications by the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 197-06
ABSTRACT OF AUDITED VOUCHERS FOR JUNE 2006 APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for June 2006, vouchers 4421 – 4554, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$214,620.47
HIGHWAY FUND	\$159,296.23
CAPITAL PROJECT #6	\$ 3,600.00
WATER DISTRICT #1	\$ 4,021.47
WATER DISTRICT #2	\$ 3,999.06
WATER DISTRICT #3	\$ 1,481.92
WATER DISTRICT #4	\$ 585.07
LIGHTING DISTRICT	\$ 696.00
TRUST & AGENCY	\$ 1,298.57

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

RESOLUTION NO. 198-06
IRREVOCABLE LETTER OF CREDIT EXECUTION AUTHORIZATION APPROVED

Resolution by: Fairbrother
Seconded by: Balland

WHEREAS the Town of Big Flats received an Irrevocable Letter of Credit from Happy Days Land Company, Inc., dated April 19, 2006, for the completion of the drainage project at the Victorian Village Subdivision as per plans and specifications presented to the Town Planning Board for Subdivision Review and Approval, and

WHEREAS the Irrevocable Letter of Credit is to expire on June 30, 2006, and

WHEREAS said work has not been completed in accordance with the plans and specifications presented to the Town Planning Board for Subdivision Review and Approval, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor and Commissioner of Public Works to sign the necessary documents for the execution of the Irrevocable Letter of Credit contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

EXECUTIVE SESSION. Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session following the correspondence portion of the Town Board meeting to discuss a particular personnel matter. All in favor. Motion carried.

CORRESPONDENCE

Tentative Equalization Rate/NYS ORPS. A letter was received from the State Board of Real Property Services informing the Town Board of the tentative equalization rate for the Town being 100% and necessary hearing has been scheduled for July 10, 2006.

Burning Concerns/L. Kaner. A letter was received from Leonard Kaner of 7 Miller Street, dated May 12, 2006, requesting the Town Board consider adopting a burning ordinance.

Flag-Banner Project/Town Center Committee. A memo was received from Pamela Farr, Chair of the Town Center Study Committee recommending the Town Board permit the American Flags and banners be displayed via NYSEG utility poles.

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

RAMS Meeting Minutes. A copy of the May 30, 2006 minutes was received from the Rural Association of Mayors and Supervisors (RAMS).

Funding Reconsideration Request/STEG. A letter was received from George Miner, President of Southern Tier Economic Growth (STEG), dated June 8, 2006, requesting the Town Board reconsider the reduction in funding to STEG. Mr. Miner also expressed the commitment to continue promoting the economic viability and growth of the Town of Big Flats.

Financial Statement/STEG. The financial statement was received from the Southern Tier Economic Growth for the calendar year 2005.

Silicon Carbide Products, Inc. Public Notice/Empire State Development. A letter was received from Empire State Development, dated June 16, 2006, informing the Town Board that a public hearing will be held on July 6, 2006 regarding the Silicon Carbide Products, Inc. project.

Councilperson Smith pointed out that portable storage containers have been appearing on property throughout the Town. It was suggested that the Town Board may want to consider these structures while doing the zoning review.

The Town Board entered into Executive Session at 5:30 p.m.

Supervisor Balland reconvened the Town Board meeting at 6:15 p.m. and the meeting was temporarily recessed. Supervisor Balland explained that the meeting would continue at the Community Center to participate in the Special Presentation regarding the Airport Master Plan.

County Executive Thomas Santulli thanked those present for attending the meeting regarding the Airport Master Plan. It is understandable that when someone hears of a master plan update that they immediately think of why and how will it impact me. He explained that the master plan is required and must be reviewed a minimum of every 10 years. This evening's meeting is to learn and see what is being recommended. It does not mean that this is what will be done due to the fact that there is more research that would be required to implement the project.

Chad Nixon, representing McFarland Johnson and Project Manager for the Airport Master Plan briefly reviewed what an Airport Master Plan is and stressed that in order to obtain funding a master plan must be in place. The projects are contingent upon federal funding. Funds are received from the Airport Improvement Program, which is 95% federal, 2.5% state, and 2.5% passenger facility charges.

The steps include conducting an inventory, aviation forecast, facility requirements, environmental overview, and development alternatives. It appears that a modest increase will take place in the next 20 years for this airport with aircraft increasing passengers during peak hours. Regional jets are becoming the new technology that would accommodate approximately 90+ passengers. These jets would also eliminate the need to have an airport layover.

MINUTES OF TOWN BOARD MEETING OF JUNE 28, 2006

Key facility changes identified an increase to the taxi runway. Another problem was that the access parking was too close to the existing building. If there was an emergency, every car using Sing Sing Road would have to be stopped and searched prior to traveling pass the airport. It is recommended that the parking lot be relocated.

Mr. Nixon reiterated that the recommendations are subject to change. As part of the plan all options have to be identified and reviewed. An example of this would be changing Chambers Road to accommodate a larger runway. Prior to moving on all comments must be taken into consideration. The steps for the Airport Master Plan are as follows: (1) planning stage; (2) environmental reviews; (3) conceptual design; (4) preliminary process; (5) final design; and (6) construction. This process could take years. Mr. Nixon invited all participants to review the proposed drawing and designs. He further stated that comments and questions can be addressed to McFarland-Johnson, Inc., 49 Court Street, Metrocenter, P.O. Box 1980, Binghamton.

Since there was no further business to come before the Town Board, Councilperson Smith made a motion, seconded by Councilperson Frisbie to adjourn the Town Board meeting at 7:00 p.m.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF JULY 12, 2006

PRESENT:	Supervisor	Mary Ann Balland
	Council	Mike Smith
		David Manchester
		Dean Frisbie
	Town Clerk	Teresa Dean
ABSENT:	Council	Edward Fairbrother
	Attorney	Thomas Reed

Supervisor Balland called the meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

REPORTS

The following reports for June 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Building Inspector/Code Enforcement Officer Reports; Supervisor's Fund Balance Report; SPCA Monthly Report; Parks Commission Meeting Minutes; Community Center Monthly Report; Assessor's Monthly Report; Department of Public Works Monthly Report; Justice Court Monthly Report.

PUBLIC HEARING: 4:33 p.m. Comprehensive Master Plan Update/Amendment

Supervisor Balland called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on June 19, 2006 and July 6, 2006, which allowed and considered public comments on a proposed Town of Big Flats new Comprehensive Master Plan referencing the updating and amendment of the current Comprehensive Plan.

IN FAVOR:	None
OPPOSITION:	None
COMMENTS:	None

Since there were no further comments, Supervisor Balland closed the Public Hearing at 4:34 p.m.

REPORTS continued

Supervisor Balland provided the following reports:

- The flags and banners have been ordered,
- Town Center meeting will be held next Tuesday – July 18, 2006 at 4:00 p.m.,
- The "Tribute to Patsy Cline" concert scheduled for July 17, 2006 is almost sold out,
- Corning Federal Credit Union has extended a membership invitation to the Town,
- The proposed outdoor furnace law will be an agenda item at the next meeting,
- A committee is being created to review the proposed Property Maintenance Code,
- grant has been submitted,
- The 50/50 drainage documentation has been reviewed and approved by the Attorney for the Town,

MINUTES OF TOWN BOARD WORKSHOP OF JULY 12, 2006

- The information for the road study is complete and a quality check is being completed. The study should be available in approximately 3 weeks,
- The Committee for Trooper Sperr is still meeting and the reception is scheduled for September 9, 2006,
- The Barnes Hill water study has begun and it is anticipated to be completed in 2-3 weeks,
- Senator Winner has been contacted to obtain funding for the proposed sewer and water district extensions,
- Transportation Enhancement Program grant has been completed and submitted requesting 1.4 million dollars for curbing, landscaping and sidewalks,
- A meeting will be held on Tuesday regarding the sewer grant,
- A petition was submitted by property owners of Liberty Way regarding the drainage concerns and a meeting is scheduled for July 27, 2006, and
- The Community Center Board has requested a meeting with the Town Board.

OLD BUSINESS

Comprehensive Master Plan Update. This item will be discussed at the next Town Board meeting.

NEW BUSINESS

RESOLUTION NO. 199-06

OPPOSITION TO THE COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006 APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS the Town of Big Flats Town Board is aware of proposed United States House of Representatives bill 5252 and proposed United States Senate bill 2686 addressing how telephone and cable companies may operate in the future, and

WHEREAS if such proposed bills are passed, among other things, would allow telephone and cable companies to pick and choose who they serve within a community, would allow cable companies to walk away from present cable franchise agreements with municipalities, and would allow cable companies to restrict or eliminate certain services they now are legally required to provide, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats hereby expresses its opposition to United State House of Representatives bill 5252 and United States Senate bill 2686, and

MINUTES OF TOWN BOARD WORKSHOP OF JULY 12, 2006

RESOLUTION NO. 199-06, OPPOSITION TO THE COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006 APPROVED continued

FURTHER RESOLVED the Town Supervisor is authorized to correspond with Senator Charles Schumer, Senator Hillary Clinton and Representative John R. Kuhl, to confirm the Town of Big Flats opposition to such bills.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 200-06
SUPPORT FOR THE CALCULATION OF WORKERS' COMPENSATION INSURANCE
APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Town of Big Flats Town Board is aware of proposed New York State Senate bill 5612-B and New York State Assembly bill 8713-B which would require new liability on balance sheets to cover Worker's Compensation Board assessments, and

WHEREAS if such proposed bills are passed, would level the quotes among all workers compensation carriers by calculating the assessments on the basis of premium, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats hereby expresses its support to New York State Senate bill 5612-B and New York State Assembly bill 8713-B, and

FURTHER RESOLVED the Town Supervisor is authorized to correspond with Senator George H. Winner, Jr. and Assemblyman Thomas F. O'Mara to confirm the Town of Big Flats support to such bills.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD WORKSHOP OF JULY 12, 2006

RESOLUTION NO. 201-06
CITY OF ELMIRA AGREEMENT FOR CONTINUED MAINTENANCE OF THE TOWN
WEBSITE APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS the Town Board adopted Resolution No. 358-02, Agreement with the City of Elmira for creating and maintaining a website for the Town of Big Flats, and

WHEREAS said website has been created and at this time requires continued maintenance to collect and organize content, convert documents and forms to be “web-friendly”, publish regular updates, and add new web features as agreed upon during said contract, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to enter into an Agreement with the City of Elmira for the purposes of developing and maintaining a Town of Big Flats website.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

CORRESPONDENCE

Eacher Hollow Road/NYS DOT. A letter was received from Gary Funk, Regional Transportation Systems Operations Engineer for New York State Department of Transportation, dated June 20, 2006, informing the Town Board that their investigation of Eacher Hollow Road revealed a 40-MPH speed is appropriate for this road. Mr. Funk also recommended additional signage of warning and one-lane bridges signs, delineators, and possible painting of centerline markings.

International Codes Schedule Updates / NYS Department of State. A letter was received from Ronald Piester, Director of Division of Code Enforcement and Administration for the Department of State, dated June 22, 2006, encouraging the Town Board to support the Code Enforcement and Fire Officials attendance to the International Code Council conference and hearing.

Notice of Petition / NYSEG. A copy of the notice of a Tax Certiorari, filed June 15, 2006, was received from New York State Electric and Gas Corporation.

Invitation for Membership / Telco Federal Credit Union. A letter was received from Telco Federal Credit Union, dated June 27, 2006, extending an invitation for membership to their credit union.

MINUTES OF TOWN BOARD WORKSHOP OF JULY 12, 2006

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Manchester, to enter into Executive Session immediately following the business portion of the Town Board meeting to discuss potential disciplinary action and a proposed new hire. All in favor, except Councilperson Fairbrother was absent. Motion carried.

RESOLUTION NO. 202-06
ERIN ROURKE SALARY AMENDMENT APPROVED

Resolution by: Balland

Seconded by: Frisbie

WHEREAS the Big Flats Youth Commission will be hosting the Summer TAFFY Program June 28 - August 4, 2006 and Youth Services recommended the Town Board appoint the 2006 Summer T.A.F.F.Y. staff, and

WHEREAS Resolution No. 193-06 duly appointed Erin Rourke, 11 Algonquin Drive, Horseheads at the rate of \$7.00 per hour, and

WHEREAS the rate of pay is not appropriate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends the appointment of Erin Rourke, 11 Algonquin Drive, Horseheads, to be at the rate of \$7.50 per hour effective at the date of hire.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland

NAYS: None

ABSENT: Fairbrother

CONCERNS OF THE PEOPLE.

Gale Wolfe, 219 Sing Sing Road, asked the Town Board to make sure that all of the important information is gathered relative to the new black hawk facility. Specifically issues dealing with noise.

Supervisor Balland thanked Harry Mizio, Department of Public Works – Highway employee, for a call out that required a tree removal from Hickory Street.

The Town Board entered into Executive Session at 4:45 p.m.

Supervisor Balland reconvened the Town Board meeting at 5:30 p.m. Councilperson Frisbie made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 5:30 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

PRESENT:	Supervisor	Mary Ann Balland
	Council	Mike Smith
		Edward Fairbrother
		David Manchester
		Dean Frisbie
	Attorney	Thomas Reed
	Town Clerk	Teresa Dean

Supervisor Balland called the meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

REPORTS

Supervisor Balland reported that the Trooper Andy Sperr memorial plans continue and it is anticipated the invitations will be mailed next week. The "Patsy Cline" concert at the Community Center was sold out and was a success. The next concert is scheduled for August 21, 2006 at the Big Flats Community Park.

Supervisor Balland also stated she would be requesting an executive session regarding two personnel matters.

CONCERNS OF THE PEOPLE. None.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to approve the minutes of June 28, 2006 as presented. All in favor, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Fairbrother, to approve the minutes of July 12, 2006 as presented. All in favor, motion carried.

OLD BUSINESS

RESOLUTION NO. 203-06

NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RELATING TO THE ADOPTION OF THE TOWN OF BIG FLATS COMPREHENSIVE PLAN

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the LaBerge Group, consultant retained by the Town of Big Flats to prepare an update to the Town's Comprehensive Plan (hereinafter "Plan") has completed its work and has submitted a proposed Plan to the Town Board of the Town of Big Flats for adoption, and

WHEREAS the Town Board of the Town of Big Flats determined that the proposed action of adopting the Plan by the Town of Big Flats is a Type I Action under the State Environmental Quality Review (SEQRA) regulations 6NYCRR 617, and

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 203-06, NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RELATING TO THE ADOPTION OF THE TOWN OF BIG FLATS COMPREHENSIVE PLAN continued

WHEREAS at its July 12, 2006 meeting, the Town Board of the Town of Big Flats enacted a resolution to express the Town Board's intent to serve as the Lead Agency for conducting the required environmental review, and

WHEREAS the Town Board of the Town of Big Flats caused a full Environmental Assessment Form (EAF) to be prepared for assessing the potential adverse environmental impacts that may result from the adoption of the Plan, and

WHEREAS the Town Board of the Town of Big Flats notified the County of Chemung Planning Board and all Interested Agencies as defined by SEQRA regulations of its intent to serve as Lead Agency and provided such agencies with copies of the completed full EAF and a Plan summary for review and comment, and

WHEREAS the Chemung County Planning Board and all Interested Agencies solicited provided comments to the Town Board of the Town of Big Flats within the allotted time period for such comment, and

WHEREAS the Chemung County Planning Board has consented to the Town Board of the Town of Big Flats serving as the Lead Agency and has accordingly notified the Town Board of the Town of Big Flats of its consent, now

BE IT THEREFORE RESOLVED that the Town Board of the Town of Big Flats does hereby accept the full EAF prepared on its behalf by The LaBerge Group for assessing the potential adverse environmental impacts associated with the adoption of the proposed Plan, and

BE IT FURTHER RESOLVED that, pursuant to Article 8 of the Environmental Conservation Law and 6NYCRR Part 617, the Town Board of the Town of Big Flats does hereby determine that the action of adopting the proposed Town of Big Flats Comprehensive Plan will have no significant adverse environmental impacts on the environment and such determination is based on the following:

1. The Town Board has considered the relevant environmental impacts, facts and conclusions disclosed in the Full Environmental Assessment Form, and
2. The Town Board has weighed and balanced the relevant environmental impacts with social, economic and other considerations, and
3. Compared to the criteria listed in Section 617.7 of the SEQRA regulations, all indications are that the proposed action will not cause substantial adverse change in the community character, aesthetics, design, natural features, natural resources including flora and fauna, or other environmental or community resources, and
4. The Town Board finds that the requirements of 6NYCRR Part 617 have been met, and

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 203-06, NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RELATING TO THE ADOPTION OF THE TOWN OF BIG FLATS COMPREHENSIVE PLAN continued

BE IT FURTHER RESOLVED that the Town of Big Flats Town Supervisor is hereby directed to sign and issue the Negative Declaration form as evidence of the Town of Big Flats Town Board's determination of environmental non-significance.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 204-06
TOWN COMPREHENSIVE PLAN ADOPTION APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Big Flats Town Board in conjunction with the Citizen Advisory Committee, Comprehensive Task Force, Planning Board and consultants hired by the Town since March, 2005, has worked on a comprehensive planning process and preparation of a new Zoning Law and Map, and

WHEREAS the Planning Board, together with consultants hired by the Town, has developed a proposed Comprehensive Plan, and

WHEREAS the Big Flats Town Board pursuant to Town Law is the Legislative Body vested with the authority to adopt the Comprehensive Plan making the Board the only Involved Agency pursuant to State Environmental Quality Review Act (SEQRA), and

WHEREAS the Big Flats Town Board affirms that it is Lead Agency with the authority to adopt the Comprehensive Plan and further hereby affirms this as a Type I Action, in accordance with SEQRA, 6NYCRR, Part 617.4, and

WHEREAS the Town Board has had access to and has independently reviewed and considered the proposed Comprehensive Plan and planning process, the full EAF record completed pursuant to SEQRA, and all written and verbal comments received with respect to the Plan and Zoning, the public record on same, and all meeting minutes, correspondence and data related to the Plan, and

WHEREAS the Town Board in accordance with Town Law held a duly noticed public hearing on the proposed Comprehensive Plan on July 12, 2006, and

WHEREAS the Town Board has been a party to and informed on the on-going comprehensive planning process which led to the formulation of the proposed Comprehensive Plan being recommended by the Consultant, and

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 204-06, TOWN COMPREHENSIVE PLAN ADOPTION continued

WHEREAS as a result of an independent examination, and careful review of the comprehensive planning process and the full SEQRA record which have been made part of the Town Board files on the adoption of the Comprehensive Plan, the Town Board finds that, after due consideration of all relevant documentation and comments, it has more than adequate information to evaluate all of the relevant benefits and potential impacts of the adoption of the Comprehensive Plan, now

BE IT THEREFORE RESOLVED, in its review of the entire public record regarding the adoption of the proposed Comprehensive Plan, the Town Board has specifically considered all impacts, factors and mitigation measures incorporated in and related to this action and hereby makes the following findings as required by SEQRA:

BE IT FURTHER RESOLVED, that the Town Board herein makes the following Lead Agency Statement of Findings as a part of these Findings:

the planning process employed by the Town of Big Flats in the preparation of the Plan defined land uses and their locations that are, on balance, sensitive to and protective of the natural and man-made environment;

the Comprehensive Plan promotes land use and development patterns that are as follows:

- * consistent with the preservation of environmentally sensitive areas;
- * consistent with and supported by current and/or proposed public services;
- * promote the efficient and economical provision of balanced services; and
- * consistent, to the greatest extent possible, with adjoining land uses.

the Planning Goals as stated in the Comprehensive Plan address the protection and preservation of the following:

groundwater
steep slopes
floodways and floodplains
wetlands
water supply/service

the Comprehensive Plan, through the Planning Goals, analysis provided, and mitigation measures offered ensures the provision of well-planned, environmentally sound, efficient and cost effective services, as follow, to meet the demands of the Land Use Plan:

stormwater management/drainage
sewage treatment
water supply/service
transportation
recreation

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 204-06, TOWN COMPREHENSIVE PLAN ADOPTION continued

the Comprehensive Plan preserve and protect the quality residential character of the Town while providing for a wide variety of housing types, densities and patterns, and values to meet the varied housing needs of the population;

the Comprehensive Plan encourage the retention, expansion and attraction of a variety of business uses to promote a balanced and healthy, diversified tax base, while not compromising the residential character and quality;

the Comprehensive Plan and Zoning Law and Map provide, through the definition and location of land use classifications/districts, the review procedures and requirements established, and the development requirements, standards and guidelines enacted, for mitigation measures to substantially address all potentially large environmental impacts that may be associated with the full build-out of the Town consistent with the Comprehensive Plan; and

consistent with social, economic and other essential considerations from among the reasonable alternatives available, adoption of the Comprehensive Plan, avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating those mitigation measures that were identified; and

BE IT FURTHER RESOLVED, that the Town Board, based on the information set forth in the Comprehensive Plan and the full planning record, the mitigation measures and the specific findings of the Planning Board, and having relied on those environmental, social, economic and other considerations set forth herein and in the Planning Board's record, the Town Board finds that:

1. All of the substantive and procedural requirements of the Environmental Conservation Law and Part 617 of the New York Code of Rules and Regulations, Volume 6, have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the adoption of the proposed Comprehensive Plan on the terms and conditions set forth in this Resolution minimizes or avoids adverse environmental effects to the maximum extent practicable; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practical, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decisions those mitigative measures set forth herein.

BE IT FURTHER RESOLVED the Town Board determines that there will be no significant adverse environmental impacts associated with adoption of the Comprehensive and hereby approves and adopts the Town of Big Flats Comprehensive Plan.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland NAYS: None

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 205-06
PROPOSED LOCAL LAW 5, 2006 REGARDING OUTDOOR FURNACES PUBLIC
HEARING DENIED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with outdoor furnaces, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on August 9, 2006 at 4:33 p.m. to hear comments regarding proposed Local Law No. 5 of 2006 titled "A Local Law of the Town of Big Flats regarding Outdoor Furnaces".

DENIED: AYES: Fairbrother, Balland
NAYS: Frisbie, Manchester, Smith

NEW BUSINESS

Big Flats Satellite Office Agreement. Supervisor Balland stated this item has been removed from the Agenda.

RESOLUTION 206-06
2007 BUDGET WORKSHOP MEETINGS APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Town Board has determined that budget workshops are needed for the purpose of reviewing said 2007 Tentative Budget proposal, and

WHEREAS, this is a Type II administrative action under SEQRA and thus no further environmental review is necessary, now

BE IT THEREFORE RESOLVED the Town Board sets special meetings for the purpose of reviewing the proposed 2007 Tentative Budget for August 9, 2006 at 4:00 p.m., August 16, 2006 at 4:00 p.m., August 23, 2006 at 4:00 p.m., August 30, 2006 at 4:00 p.m. and September 6, 2006 at 4:00 p.m.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 207-06
SPECIAL TOWN BOARD MEETING FOR AUGUST 30, 2006 APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined that a Special Town Board meeting is required for the purposes of conducting public hearings, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Special Town Board meeting for Wednesday, August 30, 2006 at 5:00 p.m.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 208-06
PROPOSED LOCAL LAW 6, 2006 – AMENDMENT TO THE ZONING LAW AND MAP
PUBLIC HEARING APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS the Town of Big Flats has undertaken the preparation of a new Zoning Law and Map and this action is being considered Type 1 Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6NYCRR, Part 617.4(b)(1), and

WHEREAS the Town Board has the power to adopt a Zoning Law and Map under the provision of Town Law and is the only Involved Agency, now

BE IT THEREFORE RESOLVED that the Town Board intends to be Lead Agency for the preparation of a new Zoning Law and Map, and

FURTHER RESOLVED the Town Board authorizes the Town Supervisor to sign a notification of said action to the appropriate Interested Agencies: Commissioner of NYSDEC, Regional Permit Administrator of NYSDEC Region 8, Chemung County Executive, Chemung County Legislature, Chemung County Clerk, Chemung County Department of Public Works, Chemung County Sewer District No. 1, Chemung County Aviation Department, Chemung County Soil and Water Conservation, Chemung County Planning Department, Chemung County Health Department, Chemung County Executive Transportation Committee, Steuben County Executive, Steuben County Clerk, Steuben County Legislature, Town of Catlin Supervisor, Town of Elmira Supervisor, Town of Horseheads Supervisor, Village of Horseheads Manager, Town of Corning Supervisor, Town of Caton Supervisor, and

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 208-06, PROPOSED LOCAL LAW 6, 2006 – AMENDMENT TO THE ZONING LAW AND MAP PUBLIC HEARING APPROVED continued

FURTHER RESOLVED the Town Board authorizes the Town Supervisor to sign the Part 1 -- Project Information, as required under SEQRA 6NYCRR, for the Comprehensive Master Plan, and

FURTHER RESOLVED the Town Board sets a public hearing for August 30, 2006 at 5:00 p.m. to hear comments regarding proposed Local Law 6, 2006 amendment to the Town Zoning Law and Map.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 209-06
PROPOSED LOCAL LAW 7, 2006 – ABATEMENT OF VACANT STRUCTURES PUBLIC HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with abatement of vacant structures, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on August 30, 2006 at 5:03 p.m. to hear comments regarding proposed Local Law No. 7 of 2006, a Local Law of the Town of Big Flats regarding Abatement of Vacant Structures.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 210-06
PROPOSED LOCAL LAW 8, 2006 – LARGE SCALE DEVELOPMENT REQUIREMENTS
PUBLIC HEARING APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with large scale development requirements, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on August 30, 2006 at 5:06 p.m. to hear comments regarding proposed Local Law No. 8 of 2006, a Local Law of the Town of Big Flats regarding Large Scale Development Requirements.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 211-06
PROPOSED LOCAL LAW 9, 2006 – AQUIFER OVERLAY PROTECTION DISTRICT
PUBLIC HEARING APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with an aquifer overlay protection district, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on August 30, 2006 at 5:09 p.m. to hear comments regarding proposed Local Law No. 9 of 2006, a Local Law of the Town of Big Flats regarding Aquifer Overlay Protection District.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 212-06
PROPOSED LOCAL LAW 10, 2006 – AMENDMENT TO OUTDOOR LIGHTING LAW
PUBLIC HEARING APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with the amendment to the Outdoor Lighting Law, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on August 30, 2006 at 5:12 p.m. to hear comments regarding proposed Local Law No. 10 of 2006, a Local Law of the Town of Big Flats regarding the proposed amendment to the Outdoor Lighting Law.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 213-06
PROPOSED LOCAL LAW 11, 2006 – SPECIAL USE PERMIT CRITERIA PUBLIC
HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with special use permit criteria, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on August 30, 2006 at 5:15 p.m. to hear comments regarding proposed Local Law No. 11 of 2006, a Local Law of the Town of Big Flats regarding Special Use Permit Criteria.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

RESOLUTION NO. 214-06

HILTON GARDEN INN LIQUOR LICENSE RENEWAL NO OBJECTION APPROVED

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS the Town Board was informed that the Planning Board approved an amendment to the Garden Inn, and

WHEREAS the Developer has requested a letter from the Town of Big Flats concurring they have no objection to the renewal of their Liquor License, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Town Supervisor to send a letter on behalf of the Town that there are no objections to the Hilton Garden Inn renewal of a Liquor License.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 215-06

ABSTRACT OF AUDITED VOUCHERS FOR JULY 2006 APPROVED

Resolution by: Balland

Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for July 2006, vouchers 4555 – 4662, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 54,700.03
HIGHWAY FUND	\$ 31,913.13
CAPITAL PROJECT #6	\$ 1,468.55
WATER DISTRICT #1	\$ 13,335.98
WATER DISTRICT #2	\$ 29,554.88
WATER DISTRICT #3	\$ 11,970.51
WATER DISTRICT #4	\$ 144.79
LIGHTING DISTRICT	\$ 696.00
TRUST & AGENCY	\$ 5,177.75

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF JULY 26, 2006

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session following the correspondence portion of the meeting to discuss two particular personnel matters. All in favor, motion carried.

CORRESPONDENCE

Willow Creek Golf Club Liquor License Renewal. A notice of their intent to renew their Liquor License was received from Willow Creek Golf Club on July 17, 2006.

Drainage Concerns – Victorian Village/Belosky Estates. A petition was received from property owners of Victorian Village and some from Belosky Estates informing the Town Board of their concerns with the drainage system in Victorian Village.

Declaration Lead Agency-Black Hawk Completion Center/CC. A memorandum and certified resolution was received from the Chemung County Legislature, dated July 12, 2006, informing the Town of Big Flats of their intention to be Lead Agency for the purposes of the SEQRA review of the proposed construction of the Black Hawk Completion Center by Schweizer/Sikorsky.

Traffic Tickets/Association of Towns. A letter was received from the Association of Towns, dated July 17, 2006, informing the Town Supervisor of legislation regarding the plea bargain system as it pertains to traffic tickets, which may impact the manner in which traffic tickets are adjudicated in the Town justice courts.

Councilperson Fairbrother commented that he is continually informed about negative comments regarding the Town, specifically with regard to the moratorium and other issues relative to the proposed Schweizer/Sikorsky project, are being stated by representatives of Southern Tier Economic Growth (STEG). He felt that the Town Board should request a meeting with George Miner, Executive Director of STEG and Tom Santulli, County Executive. Councilperson Frisbie noted that he and Supervisor Balland had previously met with Mr. Miner and felt that the concerns have not been dealt with. Councilperson Frisbie also pointed out that the helicopters from the Schweizer/Sikorsky project would be operating at different hours, specifically evening hours. Ms. Harding, Director of Planning, stated that the application for the Schweizer/Sikorsky project has been filed with the Town Planning Board.

Supervisor Balland pointed out that a traffic engineer has been hired by the County to review the traffic patterns, specifically those on Chambers Road, Colonial Drive and County Route 64.

The Town Board entered into Executive Session at 7:50 p.m.

Supervisor Balland reconvened the Town Board meeting at 8:30 p.m. Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to adjourn the Town Board meeting at 8:30 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD WORKSHOP OF AUGUST 9, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 David Manchester
 Dean Frisbie
 Mike Smith
 Clerk Teresa Dean

ABSENT: Attorney Thomas Reed

Supervisor Balland called the Special Town Board Workshop to order at 4:00 p.m.

The Town Board proceeded with the review of the general fund portion of the proposed 2007 budget.

Since there was no further business to come before the Board the meeting was adjourned at 4:30 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF AUGUST 9, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Dean Frisbie
 David Manchester
 Michael Smith
 Attorney Thomas Reed
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting of August 9, 2006 to order at 4:32 p.m. and requested participation in the Pledge of Allegiance.

PRESENTATION: Summary of Proposed Local Laws

Maureen Harding, Director of Planning presented an overview of the proposed local laws. She began with a time frame of the events that took place, including the enactment of a moratorium and the creation of a Task Force Group to finalize the Comprehensive Plan and prepare draft local laws for the Town Board. Ms. Harding explained that the Town of Big Flats is in the process of going through a “sprawl” or leap frog development. When there is a decrease in population plus expanded development area this equals a sprawl without growth. A sprawl also created an increase in expenses and a higher increase of environmental concerns. Hence the Town Board chose to update the Comprehensive Plan and as a result of this plan have proposed several updates of existing local laws and some new local laws. Ms. Harding briefly reviewed the proposed zoning change areas and the proposed local laws regarding abatement of vacant structures, large scale development requirements, aquifer overlay protection district, the amendment to outdoor lighting, and a special use permit criteria.

CONCERNS OF THE PEOPLE

Skip Smith, 11983 Jolley Way, stated that he has concerns with the proposed zoning changes for Daniel Zenker Drive and the area of his property on Hibbard Road.

Jane King, 15 Kelley Drive, asked if a copy of the proposed changes were available at the library? Supervisor Balland stated that the proposed laws would be available at the library and the Town Hall.

Tom Wren, address unknown, stated that the property he is currently constructing a business on has now been rezoned and they are non-conforming; therefore, he questioned what this meant. Attorney Reed explained that the use would be considered non-conforming and would be able to continue as long as the use is not closed or inoperable for more than one year. There will be restrictions on the amount of expansion that would be permitted.

Mr. Smith pointed out that by rezoning the Daniel Zenker Drive and Hibbard Road area there are several existing businesses that would not be in compliance with the proposed zoning.

Supervisor Balland thanked those participants for coming and recommended if they had further questions to contact her. The public hearing will be August 30, 2006 beginning at 5:00 p.m.

MINUTES OF TOWN BOARD WORKSHOP OF AUGUST 9, 2006

REPORTS

The following reports for June 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Building Inspector/Code Enforcement Officer Reports; Supervisor's Fund Balance Report; SPCA Monthly Report; Agriculture & Markets Monthly Report; Parks Commission Meeting Minutes; Community Center Monthly Report; Assessor's Monthly Report; Department of Public Works Monthly Report; Justice Court Monthly Report.

Supervisor Balland stated the Trooper Sperr memorial arrangements are continuing. Councilperson Frisbie reported that he and Councilperson Fairbrother attended the Community Center Board of Directors meeting and a request was made to provide guidelines for programming.

OLD BUSINESS

RESOLUTION NO. 216-06

50/50 PROGRAM FOR OWEN HOLLOW CREEK SOUTH OF CHESTNUT STREET BRIDGE APPROVED

Resolution by: Fairbrother

Seconded by: Frisbie

WHEREAS the Town has established a 50/50 Program for creek erosion, and

WHEREAS residents on Antler Road have expressed concern over the erosion of the northern bank of Owen Hollow Creek, and

WHEREAS residents on Antler Road, downstream of the Chestnut Street Bridge have shown interest in the 50/50 program, and

WHEREAS the residents have requested rip rap be placed to alleviate the erosion, and

WHEREAS signed 50/50 Program applications were received from Merrill and Carrie Sproul (40 Antler Rd.), Timothy and Connie Yu (44 Antler Rd.), Robert and Louise Paul (48 Antler Rd.), Marjorie and Donald Kloeber (54 Antler Rd.), Glenn and Norma Ritter (58 Antler Rd.), William and Linda Whitney (64 Antler Rd.), and

WHEREAS Kevin Rexford (32 Antler Rd.), and John DeMarchis (34 Antler Rd.) have indicated in writing that they are not interested in participating, and

WHEREAS the project is contingent on the interested parties submitting their 50% of funds in advance, and

WHEREAS the Commissioner of Public Works recommends the approval of this project, and

MINUTES OF TOWN BOARD WORKSHOP OF AUGUST 9, 2006

RESOLUTION NO. 216-06, 50/50 PROGRAM FOR OWEN HOLLOW CREEK continued

WHEREAS the Town Board authorizes the Commissioner of Public Works to purchase the rock for this project at a sum not to exceed \$30,000, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to enter into an agreement with JF & JP Wenzel Contractors to provide equipment and labor for placement of the rock at a sum not to exceed Eleven Thousand Seven Hundred Fifty Dollars (\$11,750.00).

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

NEW BUSINESS

Tentative Budget Presentation. The Town Clerk presented the 2007 tentative budget.

RESOLUTION NO. 217-06
AGREEMENT WITH RICHARD MCNEILLY FOR AUDITING SERVICES APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS the Town Board had requested a proposal from Richard McNeilly, Certified Public Accountant, for the purposes of conducting Town audits, and

WHEREAS the Town Supervisor and Attorney for the Town have met with Mr. Mc Neilly and determined that his services would benefit the Town of Big Flats, and

WHEREAS for environmental review purposes the Town Board finds this to be a Type 2 Administrative Action pursuant to 6NYCRR 617.5(c)(19) and as such, no environmental review is required for a Type 2 action,

NOW, BE IT THEREFORE RESOLVED, the Town Board authorizes the Town Supervisor to enter into an agreement with Richard M. McNeilly, 124 West Franklin Street, Horseheads, NY for the purposes of completing an audit of the financial statements for the years ending December 31, 2006, 2007 and 2008 at a cost not-to-exceed Seven Thousand Eight Hundred Fifty Dollars (\$7,850.00).

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF AUGUST 9, 2006

RESOLUTION NO. 218-06
WEILER MAPPING AGREEMENT FOR ZONING MAP UPDATES APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Town Board had requested a proposal from Weiler Mapping for the purposes of updating the Town of Big Flats Zoning Map to be consistent with the proposed zoning amendments, and

WHEREAS for environmental review purposes the Town Board finds this to be a Type 2 Administrative Action pursuant to 6NYCRR 617.5(c)(19) and as such, no environmental review is required for a Type 2 action, now

BE IT THEREFORE RESOLVED, the Town Board authorizes the Town Supervisor to enter into an agreement with Weiler Mapping, 150 N. Main Street, Elmira, NY for the purposes of updating the Town of Big Flats Zoning Map to be consistent with the proposed zoning amendments at a cost not-to-exceed Three Thousand Dollars (\$3,000.00).

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 219-06
REPAIR EXTERIOR OF POST OFFICE AGREEMENT APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS there has been deterioration to the Post Office siding and repairs are necessary to maintain the building in a weather-tight condition, and

WHEREAS Dan Moss and Robert Little have provided a quote for repairs of siding and eave troughs, and

WHEREAS the labor quote for said repairs is a total not to exceed \$3,042.00, and

WHEREAS the Town will be responsible to purchase the material needed for repairs at an estimated cost of \$1,021.00, now

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase of said material, and

FURTHER RESOLVED the Town Board authorizes the expenditure of \$3,042.00 to Dan Moss and Robert Little for labor to complete the necessary repairs of the siding and eave troughs at the Big Flats Post Office building.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD WORKSHOP OF AUGUST 9, 2006

Supervisor Balland made a motion, seconded by Councilperson Manchester to enter into Executive Session immediately following the Water Board to discuss potential negotiations. All in favor, motion carried.

CORRESPONDENCE

Roy Subdivision Speed Limit Designation/NYS DOT. A letter was received from Gary Funk, Regional Transportation Systems Operations Engineer for New York State Department of Transportation, dated July 31, 2006, informing the Town Board of their decision to delay the action of the speed limit designation of Milton Lane and Brookwood Hills Drive to allow time for additional development.

“What the Comprehensive Plan is and isn’t”/NY Planning Federation. An excerpt of the New York Planning Federation Planning News, issue dated Summer 2006, was received that discussed “What the Comprehensive Plan is and isn’t”.

LOMR – 18 Welles Lane/Federal Emergency Management Agency. A notice was received from William Blanton of Federal Emergency Management Agency, dated July 27, 2006, informing the Town Board of their Letter of Map Revision Floodway Determination that removed the structure located at 18 Welles Lane from special designated flood hazard area.

District Director Announcement – Teresa Dean/NYSTCA. A letter was received from Linda Gilbert, Secretary of the New York State Town Clerks Association, Inc., dated July 24, 2006, announcing that Teresa Dean, Town Clerk for the Town of Big Flats, has been nominated and sworn in as the district Director for Region 6 of the NYSTCA.

Franchise Agreement Renewal Notice/NYS Department of Public Service. A letter was received from the State of New York Department of Public Service, dated July 25, 2006, notifying the Town Board that the Temporary Operating Authority under the Time Warner-Binghamton Division providing services has expired.

June 2006 RAMS Meeting Minutes. A copy of the Rural Association of Mayors and Supervisors (RAMS) minutes for June 27, 2006 were received.

“Smith Family Farm Road” Sketch / Dick Smith. A letter was received from Dick Smith, dated July 17, 2006, regarding the possibility of a new south service road connection from Hibbard Road to Interchange 50 (Kahler Road).

Small Claim Petition/A. & L. Laudenslager; Kathleen Soriano. Small Claims Assessment Petitions were received from Allen J. and Linda J. Laudenslager for property located at 10 Woods View Drive and Kathleen Soriano for property located at 249 Leisure Lane.

Notice of Petition – Assessment/Bottcher’s Landing. A notice was received from Bottcher’s Landing, LP, dated July 26, 2006, informing the Town of a hearing being held September 15, 2006 for review of the 2004-2007 assessed valuations.

MINUTES OF TOWN BOARD WORKSHOP OF AUGUST 9, 2006

Notice of Petition – Assessment/Luther T. Bennett and Wilson Farms, Inc. A notice was received from Luther Bennett and Wilson Farms, Inc, dated July 31, 2006, informing the Town of a hearing being held October 20, 2006 for review of the 2004-2007 assessed valuations.

Supervisor Balland temporarily suspended the Town Board portion of the meeting.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 5:58 p.m.

NEW BUSINESS

RESOLUTION NO. 220-06

WATER DISTRICT NO. 1 EXTENSION FOR TELCO FEDERAL CREDIT UNION

Resolution by: Fairbrother

Seconded by: Frisbie

WHEREAS a petition for an extension to Water District No. 1 has been presented and filed with the Town Board on or about July 10, 2006, and

WHEREAS the boundaries of the proposed extension to said district are set forth and described in the following:

All that tract, part, or parcel of land lying in the Town of Big Flats, County of Chemung and State of New York more particularly bounded and described as follows: Beginning at a point in the northerly bound of County Road 64, which point also marks the westerly bound of the southerly extension of Fisherville Road; Thence along the northerly bound of County Road 64 at a bearing of S 71° 45' 36" W, a distance of 815.52 feet to a point on the easterly boundary of the Big Flats Water District No. 1; Thence northerly along the easterly boundary of the Big Flats Water District No. 1 at a bearing of N 16° 55' 48" W, a distance of 436.03 feet to a point on the southerly boundary of Fisherville Road; Thence easterly along the southerly boundary of Fisherville Road at a bearing of N 89° 19' 49" E a distance of 855.70 to a point where Fisherville Road turns to the south; Thence southerly along the westerly bound of Fisherville Road at a bearing of S 14° 56' 40" E a distance of 177.89 feet to the point and place of beginning.

WHEREAS a map, plan and report detailing said extension accompanied said petition, dated July 2006, entitled "District Extension Report for Telco Federal Credit Union and Kost Tire Center", prepared by Fagan Engineers, a copy of which is on file with the Town Clerk; and

WHEREAS the improvements proposed consist of the construction of a water system serving said proposed extension area at the approximate locations and in the manner set forth and described in said map, plan and report, and

MINUTES OF TOWN BOARD WORKSHOP OF AUGUST 9, 2006

RESOLUTION NO. 220-06, WATER DISTRICT NO. 1 EXTENSION FOR TELCO
FEDERAL CREDIT UNION continued

WHEREAS the maximum amount proposed to be expended for such improvement is \$0; the estimated cost of hook up fees is \$0 and the estimated cost of the extension to the typical property and, if different, the typical one or two family home, \$0, the annual estimated usage charge is \$716.00 and

WHEREAS no financing is necessary to complete such improvement, and

WHEREAS the above action is an Unlisted action for the purposes of SEQRA, with the Town of Big Flats Town Board hereby being declared the lead agency thereon; and

WHEREAS the Town will make a determination if the implementation of the subject action will result in any significant adverse impact on the environment upon the completion of the public hearing set herein; and

THEREFORE NOW BE IT RESOLVED pursuant to Town Law Section 193 that the Town Board of the Town of Big Flats shall meet at the Town Hall, located at 476 Maple Street, Town of Big Flats, on the 23rd Day of August 2006, at 4:33 o'clock P.M. for the purpose of conducting a public hearing on the proposal to extend Water District No. 1 as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered and authorized to publish a copy of this Order in the official paper for the Town, as required and provided for by law, and

BE IT FURTHER RESOLVED that the Town Clerk shall file a certified copy of this order with the State Comptroller's Office as required and provided by law.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Supervisor Balland adjourned the Water Board meeting and reconvened the Town Board meeting at 5:59 p.m. The Town Board entered into Executive Session.

Supervisor Balland reconvened the Town Board meeting at 6:55 p.m. Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the meeting at 6:55 p.m. All in favor. Motion carried.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD WORKSHOP OF AUGUST 16, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 David Manchester
 Dean Frisbie
 Mike Smith

ABSENT: Clerk Teresa Dean
 Attorney Thomas Reed

Supervisor Balland called the Special Town Board Workshop to order at 4:00 p.m.

The Town Board proceeded with the review of the general fund portion of the proposed 2007 budget.

Since there was no further business to come before the Board Councilperson Frisbie made a motion, seconded by Councilperson Manchester to adjourn the meeting at 5:45 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

TOWN OF BIG FLATS TOWN BOARD MINUTES OF AUGUST 23, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Mike Smith
 David Manchester
 Clerk Teresa Dean

ABSENT: Council Dean Frisbie
 Attorney Thomas Reed

Supervisor Balland called the Town Board Budget Workshop to order at 4:00 p.m. The Town Board reviewed the Water Districts and a portion of general fund proposed 2007 budget.

Supervisor Balland temporarily suspended the Budget Workshop at 4:30 p.m.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 4:30 p.m.

PUBLIC HEARING 4:30 p.m. Water District #1 Extension

Supervisor Balland called the Public Hearing to order at 4:33 p.m. and read the legal notice published in the Elmira Star Gazette on August 16, 2005, to allow and consider public comments concerning the proposed Water District #1 Extension in the vicinity of the Telco Federal Credit Union and Kost Tire Center at their facility located off County Route 64 near Fisherville Road.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:34 p.m.

OLD BUSINESS

RESOLUTION NO. 221-06
WATER DISTRICT #1 EXTENSION APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS, the necessary map, plan and report was duly presented to the Town with the attached thereto according to law, requesting that an extension to Water District No. 1, as hereinafter described, be established in the Town, and

WHEREAS, the Town Board duly adopted Resolution No. 220-06 at its regularly scheduled meeting on August 9, 2006, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified August 23, 2006 at 4:33 p.m. as the

TOWN OF BIG FLATS TOWN BOARD MINUTES OF AUGUST 23, 2006

RESOLUTION NO. 221-06, WATER DISTRICT #1 EXTENSION APPROVED continued

time, and the Town Hall in the Town of Big Flats as the place, where the Town Board would meet to consider a Resolution to approve the extension of Water District No. 1 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Board on this 23rd Day of August 2006, commencing at 4:33 p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS, the Town hereby determines upon review of the Short EAF, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Town Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA.

BE IT THEREFORE RESOLVED AND DETERMINED, that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED the establishment of the proposed extension to Water District No. 1, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report entitled, "District Extension Report for Telco Federal Credit Union and Kost Tire Center", prepared by Fagan Engineers dated July 2006, a copy of which is on file with the Town Clerk, and

FURTHER RESOLVED the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there is no costs to the Water District associated with this extension, and

FURTHER RESOLVED the Town Clerk of this Town shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

TOWN OF BIG FLATS TOWN BOARD MINUTES OF AUGUST 23, 2006

Since there was no further business to come before the Water Board, Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to adjourn the meeting at 4:34 p.m.

TOWN BOARD

Supervisor Balland reconvened the Town Board meeting at 4:34 p.m. and requested participation in the Pledge of Allegiance.

REPORTS

Personnel – Councilperson Manchester stated that he attended a presentation regarding Chemung County offering PPO insurance benefits to retired staff. He also reported that discussions have been held relative to the custodian staff hours and procedures.

Youth / Parks – Councilperson Smith stated he had no reports for Youth Commission; however, Parks Commission is continuing work in the parks and it appears the parks are well kept.

Supervisor Balland provided the following reports:

1. The third Wednesday of September there will be a meeting with the County Executive and representative of Southern Tier Economic Growth (STEG);
2. The Town Supervisor received new press releases relative to wood burners; and
3. The Sperr memorial planning is on schedule.

Maureen Harding, Director of Planning, provided the Town Board with a revised copy of proposed Local Law 6, 2006 which had administrative corrections in the use table and definitions for Town Center.

CONCERNS OF THE PEOPLE

Jane King, 15 Kelley Drive, stated that a newspaper article indicated that the taxes for the Library District would be increasing and it also appears that petitions are required to be a member of the Library District board; however, she was not sure if they would be processed through the Chemung County Board of Elections.

Tom Giles, address unknown, asked what the procedures were for adopting the proposed local laws. Supervisor Balland explained the process. Mr. Giles stated that he received a letter approximately 90 days ago stating that he must remove the trailers used for storage at his facility on County Route 64. The structures are used for seasonal items and it appears that this was the only property sited for this violation. Mr. Giles explained that he submitted a Freedom of Information Request to determine if other violations for the same offense existed within the last 90 days; however, there were no documents. Mr. Giles also pointed out several other facilities such as Bobby K, Simmons-Rockwell, Consumer Square, Target, Lowe's, Pick-a-Part, and either Kitchen Specialties or the property next to it had similar violations. Supervisor Balland thanked Mr. Giles and stated that she would speak with the Code Enforcement Office regarding this situation.

TOWN OF BIG FLATS TOWN BOARD MINUTES OF AUGUST 23, 2006

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to approve the minutes of July 26, 2006 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to approve the minutes of August 3, 2006 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

Councilperson Smith made a motion, seconded by Councilperson Fairbrother, to approve the minutes of August 9, 2006 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

Supervisor Balland made a motion, seconded by Councilperson Smith, to approve the minutes of August 9, 2006 Budget Workshop as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

Councilperson Manchester made a motion, seconded by Councilperson Smith, to approve the minutes of August 16, 2006 Budget Workshop as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

NEW BUSINESS

RESOLUTION NO. 222-06

POSITION OF YOUTH PROGRAM COORDINATOR APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS the Town Supervisor submitted a New Position Duties Statement, dated July 24, 2006, to Chemung County/City of Elmira Regional Civil Service Commission requesting that a new full time position be classified in the Town in order to reorganize the Youth Department, the submission of which is hereby ratified by the Town Board, and

WHEREAS there is a recognizable need for such a position in the Town and the Chemung County/City of Elmira Regional Civil Service Commission has reviewed and approve such position, and

WHEREAS the administration of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED the Town Board hereby formally authorizes the creation of a new full time position within the Town, titled "Youth Program Coordinator", to supervise, plan and manage the Town youth programs, generational programs, school and other necessary agency programs, subject to the review, approval and classification of the Chemung County/City of Elmira Regional Civil Service Commission, and

TOWN OF BIG FLATS TOWN BOARD MINUTES OF AUGUST 23, 2006

RESOLUTION NO. 222-06, POSITION OF YOUTH PROGRAM COORDINATOR
APPROVED continued

FURTHER RESOLVED the Town Board hereby establishes the starting salary schedule for such position to be \$25,000 per year, plus full time benefits as provided by the Town.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 223-06
YOUTH PROGRAM COORDINATOR APPOINTMENT APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board adopted Resolution No. 222-06 formally authorizing the creation of a new full time position within the Town, titled "Youth Program Coordinator", to supervise, plan and manage the Town youth programs, generational programs, school and other necessary agency programs, subject to the review, approval and classification of the Chemung County/City of Elmira Regional Civil Service Commission, and

WHEREAS the Town Board request the Chemung County/City of Elmira Regional Civil Service Commission reinstate Marjorie Tremaine to the position of Youth Program Coordinator for the Town of Big Flats, and

WHEREAS the hiring of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, and

WHEREAS the Town Board hereby determined that Marjorie Tremaine is a qualified candidate for said position to service probationary, subject to the Regional Civil Service Commission's review and reinstating of Ms. Tremaine, now

THEREFORE BE IT RESOLVED the Town Board hereby hires Marjorie Tremaine for the position of Youth Program Coordinator, as a provisional appointment to said position consistent with Civil Service Law to end January 1, 2007, and

FURTHER RESOLVED that Marjorie Tremaine shall be paid \$25,000 per years, receive full Town benefits, and be entitled to the benefits of and subject to the terms and conditions of the Town Employee Handbook, as amended, and

FURTHER RESOLVED the Town Supervisor is hereby authorized to complete and sign the appropriate Report of Personnel Change and Extended Payroll Certification (RPC) for this hiring.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

TOWN OF BIG FLATS TOWN BOARD MINUTES OF AUGUST 23, 2006

RESOLUTION NO. 224-06

“TROOPER A. J. SPERR DRIVE” ROAD DESIGNATION APPROVED

Resolution by: Smith

Seconded by: Fairbrother

WHEREAS under the authority of Town Law §64 (9) the Town Board can name streets, and

WHEREAS it has been determined that the Town Board would like to rename the existing Lowe Road to honor Trooper A .J. Speer, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby designates Lowe Road to be known as “Trooper A. J. Sperr Drive”

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland

NAYS: None

ABSENT: Frisbie

RESOLUTION NO. 225-06

AMERICAN PLANNING ASSOCIATION CONFERENCE ATTENDANCE APPROVED

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS the American Planning Association (APA) is a national organization for professional planners and provide training programs for said professional planners, and

WHEREAS the American Planning Association and American Institute of Certified Planners encourages professional planners to obtain (60) continuing education credits over a three year period to maintain certification as a certified professional planner, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Maureen Harding to attend the American Planning Association and American Institution of Certified Planner Joint New York Upstate Conference meeting on September 14 thru September 15, 2006, with all appropriate expenses to be paid from the appropriate budgets, and

FURTHER RESOLVED the Town Board authorizes a prepayment to CNY Section APA in the amount of One Hundred Eighty Dollars (\$180.00) for registration.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland

NAYS: None

ABSENT: Frisbie

TOWN OF BIG FLATS TOWN BOARD MINUTES OF AUGUST 23, 2006

RESOLUTION NO. 226-06
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Town Board has determined that a budget transfer is needed for the purposes of unbudgeted items and overspending, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer:

FROM:	Contribution to other funds	A9961.09000	\$29,600
TO:	Court	A1110.0400	\$ 1,000.00
	Traffic Control	A3310.0400	\$ 1,600.00
	Planning	A8020.0400	\$ 2,000.00
	Drainage	A8540.0401	\$25,000.00

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 227-06
HIGHWAY FUND BUDGET TRANSFER APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board has determined that a budget transfer is needed for the purposes of increase in materials, fuel and transportation, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer:

FROM:	Workers Comp	D9040.09000	\$18,600.00
	Snow Removal	D5142.0400	\$28,400.00
TO:	Improvements	D5112.0400	\$47,000.00

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

TOWN OF BIG FLATS TOWN BOARD MINUTES OF AUGUST 23, 2006

RESOLUTION NO. 228-06
VOID CHECK APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check #3852 payable to the New York State Association of Towns, Superintendent of Highway, for an amount of \$100.00, dated June 30, 2006.

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 229-06
ABSTRACT OF AUDITED VOUCHERS FOR AUGUST 2006 APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for August 2006, vouchers 4663 – 4766, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 55,048.72
HIGHWAY FUND	\$250,330.32
CAPITAL PROJECT #8	\$ 1,660.00
WATER DISTRICT #1	\$ 3,980.93
WATER DISTRICT #2	\$ 3,919.96
WATER DISTRICT #3	\$ 22,058.25
WATER DISTRICT #4	\$ 4,642.51
LIGHTING DISTRICT	\$ 696.00
TRUST & AGENCY	\$ 3,177.32

CARRIED: AYES: Manchester, Fairbrother, Smith, Balland
NAYS: None ABSENT: Frisbie

CORRESPONDENCE

Proposed Joint Access/CC Department of Public Works. A letter was received from Murl Sebring, Interim Commissioner of Public Works for Chemung County, dated August 14, 2006, informing the Attorney for Kent Brown Toyota that the best alternative is the progression of the join access for The Food Bank and Kent Brown Toyota to County Route 64.

Sikorksy Hawk Work Preliminary Site Plan/CC DPW. A letter was received from Murl Sebring, Interim Commissioner of Public Works for Chemung County, dated August 14, 2006, informing Honorable Thomas Santulli, County Executive, that further consideration was needed for traffic control at the Kahler Road/Daniel Zenker Drive intersection.

TOWN OF BIG FLATS TOWN BOARD MINUTES OF AUGUST 23, 2006

Final Equalization Rate/NYS ORPS. A letter was received from the State Board of Real Property Services certifying that as of August 1, 2006 the final State equalization rate for the Town of Big Flats is 100%.

Liquor License Renewal/Carlson Restaurants Worldwide aka T.G.I. Friday's. A letter was received from Carlson Restaurants Worldwide, dated August 3, 2006, informing the Town Board of the intention of T.G.I. Friday's of 830 County Route 64 to renew the Liquor License.

Billing Update/Mettel. A notice was received from Robert Madden, President of TriStar, dated August 9, 2006, informing the Town Supervisor that the circuit charge for Mettel has increased; however, since the Town of Big Flats is under contract with Mettel the increase in charge would be contested.

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the meeting at 5:16 p.m. All in favor, except Councilperson Frisbie was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF AUGUST 25, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 David Manchester
 Clerk Teresa Dena

ABSENT: Council Mike Smith
 Dean Frisbie
 Attorney Thomas Reed

Supervisor Balland called the Special Town Board meeting to order at 10:40 a.m.

RESOLUTION NO. 229-06

PART-TIME BUILDING INSPECTOR/CEO ASSISTANT APPOINTMENT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board has recognized a need for increased enforcement of the property maintenance and building codes, and

WHEREAS said enforcement will require additional personnel for a part-time position not-to-exceed 20 hours per week, and

WHEREAS the Code Enforcement Department recommends the appointment of Rodney Roe who is certified as a Code Enforcement Officer in New York State, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the recommendation of the Code Enforcement Department and hereby appoints Rodney Roe, 379 E. Sullivanville Road, Horseheads to the position of Part Time Building Inspector/Code Enforcement Officer Assistant, effective August 28, 2006, at the rate of \$15.00 per hour not-to-exceed 20 hours per week, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate report of Personnel Change and Extended Payroll Certificate ("RPC") for this hiring.

CARRIED: AYES: Fairbrother, Manchester, Balland
 NAYS: None ABSENT: Frisbie, Smith

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester to adjourn the meeting at 10:42 a.m. All in favor, except Councilpersons Frisbie and Smith were absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF AUGUST 30, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Mike Smith
 David Manchester
 Dean Frisbie
 Attorney Thomas Reed
 Clerk Teresa Dean

ABSENT: Council Edward Fairbrother

Supervisor Balland called the Special Town Board meeting to order at 5:00 p.m. and requested that all those present please stand for the Pledge of Allegiance.

PUBLIC HEARING: 5:00 p.m. Proposed Local Law 6, 2006 – Amendment to Zoning
 Law/Map

Attorney Reed called the Public Hearing to order at 5:02 p.m. and read the legal notice published in the Elmira Star Gazette on August 5, 2006, to allow and consider public comments concerning proposed Local Law 6, 2006 which amends the Town of Big Flats zoning law and map.

AGAINST:

James Orsillo, 119 Sing Sing Road, stated that his property is one of three farms located along Sing Sing Road and under the new zoning proposal the property is being changed to Residential 1 District. This would greatly eliminate the use of the property and if approved farming would be eliminated. Mr. Orsillo encouraged the Board to consider leaving this area zoned Rural District and let proposed development be reviewed under Site Plan Review and Approval.

Jim Appier, 87 Hillview Drive, stated he is part of the Daniel Zenker Drive Corridor Group and read the position statement, dated August 15, 2006, that explained the group is in support of the Comprehensive Planning process and wanted to contribute to this effort. The proposed changes involve several properties along Daniel Zenker Drive and if the Town Board approves the proposed changes several of these businesses will become non-conforming uses. The Daniel Zenker Drive corridor is the only area zoned Business Neighborhood 2 (BN2), which is an indication that this area has unique characteristics. Mr. Appier pointed out that one of the principals of smart growth is for a community to be successful in implementing smart growth, it must be embraced by the private sector; however, the Daniel Zenker Drive Corridor Group cannot embrace the visions the Town is presently considering. Therefore, Mr. Appier encouraged the Town Board reconsider the rezoning proposals for the Daniel Zenker Drive corridor.

Carl Carson resident of Horseheads and employed by Arnot Realty at the Arnot Mall, stated that Arnot Realty finds that the laws are inconsistent with the Comprehensive Plan and creating more non-conforming uses, due to the lack of financing, could only lead to vacant buildings. Arnot Realty is encouraging the Town Board to not enact the proposed laws and to review the proposals to find alternative options.

Stanley Koziatsek, 308 River Road, Corning and owner of 3309 Chambers Road, explained that he is in the process of purchasing a building on Daniel Zenker Drive that is a manufacturing use permitted under the current zoning; however, in the future if he chose to sell the property the new

MINUTES OF SPECIAL TOWN BOARD MEETING OF AUGUST 30, 2006

zoning would not permit manufacturing. After reviewing the proposed zoning it is not understood why the Town would want to see residential uses near the Airport especially with high security issues. Mr. Koziatek recommended that the zoning be reconsidered to permit retail, restaurants, manufacturing and industrial uses; however, limit the size of the buildings.

Julie Kucko, owner of the Dairy Barn at 107 Hibbard Road, explained her history of living in the Town of Big Flats. When meeting with the Code Enforcement Officer and Town Supervisor in March 2005 they were told that the zoning would be changing at their location; however, the proposed business expansions would be permitted. After questioning the proposed zoning, Mrs. Kucko explained that she was informed the zoning would probably pass and specific areas would be reviewed. She agreed the Town needed to protect residential areas; however, the Daniel Zenker Drive Corridor is business only and no residential.

Tom Reilly, 121 Halderman Hollow Road, explained that he has lived in Big Flats since 1989 and enjoyed seeing the growth of the Town. Mr. Reilly agreed with the Comprehensive Plan; however, felt the zoning was contradictory to the plan. People enjoy being able to drive down the road to Barnes & Nobles or Best Buy and do not want the Town of Big Flats to become vacant like the City of Elmira.

Mike Bush, 144 Hibbard Road, explained that he is one of the closest landowners to the Daniel Zenker Drive corridor and felt this area should be a mix of small business and residential.

Priscilla Smith, East Corning, explained that she and her husband were tired of Big Flats politics and wanted to get out of Chemung County; however, their business is located in Big Flats. An issue that was not reviewed was that there is an established buffer zone and it appears that the minimal buffer between businesses on Daniel Zenker Drive and the residential area would be a minimum of 115 feet. By resisting businesses jobs are being lost.

Tom Wren, 17 Winters Road, explained that after reading the Comprehensive Plan the zoning does not meet the goals of the plan. The proposed zoning does not make Big Flats a business friendly environment. For a major zoning change there has not been adequate notification from the Town and several people do not know the zoning is changing. Mr. Wren explained that businesses and residents can work together and a friendlier match can be obtained. By the proposed zoning it appears that small businesses are not wanted in the Town of Big Flats.

Jack Moore, Attorney representing property owners on Daniel Zenker Drive, explained that there is a great deal of speculation as to what may be done on September 13, 2006 by the Town Board. If the local laws are passed and a committee established to review the ones that need further review the Town Board would be in fact acknowledging that there may be flaws in the proposed local laws; therefore, the Town Board should table these laws and conduct further review prior to any adoption.

George Miner, 19 Woodland Drive, stated that comprehensive planning has taken place several times in the last ten years for the Town of Big Flats resulting in a large amount of money invested for infrastructure. The proposed Planned Unit Development (PUD) area would limit the use of approximately 200 acres and make the existing Synthes building nonconforming. It appears that the new proposal would make businesses more condense which contradicts what has

MINUTES OF SPECIAL TOWN BOARD MEETING OF AUGUST 30, 2006

taken place in the last ten years. Mr. Miner further explained that the proposed zoning would not only affect the Town of Big Flats but the entire region.

Thomas Santulli, 1528 W. Water Street, pointed out the misconception that the County and Town are not working together. It is very important that the County and the Town of Big Flats work together. It has been very clear that the residents in the Town of Big Flats are concerned with sprawl; however, economic development in the community is imperative to the tax base and keeping and attracting young people in the County. Big Flats is the development community for the County, especially with the proximity to the Interstate. It is important concerns be heard from both residents and also the business owners so that everyone can be a winner and developers do not leave the community. Mr. Santulli recommended that the proposal be tabled and a meeting be held with the County, businesses and residents to conduct further review.

IN FAVOR:

Don Williams, 14 Flint Road, recommended the Town Board adopt the proposed zoning and expressed the Town did not need anymore gas stations and car washes over the aquifer. Mr. Williams shutters to think what would happen to the Town if the uses identified were permitted on Daniel Zenker Drive, especially when these businesses would be either part-time or minimum wage paying jobs. He encouraged the Town Board to consider the safety and health of the Town of Big Flats.

Nancy Van Maarseveen, 14 Garden Lane, stated that several of the business owners are not residents of the Town of Big Flats and without residents the businesses would not succeed. It is recommended that the local laws be approved due to the fact that there are some developers who do not have invested interest in the Town of Big Flats and if necessary, conduct further review. Mrs. Van Maarseveen expressed approval of the proposed Recreation District in the vicinity of Chambers Road, adjacent to Garden Lane.

Len Kaner, 7 Miller Street, stated he has lived in the Town of Big Flats for over 32 years and was surprised that adult entertainment bookstores are permitted in the Hamlet; therefore, the zoning change that would eliminate this use from the Hamlet is fully supported. The elimination of manufacturing is also supported.

George Rose, 610 Hillingdon Way, complimented the Town Board for their intent. It is disturbing to see the encroachment on R1 (Residential 1 District); therefore, he is pleased to see the rezoning near his property.

COMMENTS:

Chris Thorborg, 135 Hillview Drive, stated concern of the viability of the creek adjacent to Hillview Drive specifically the wooded area and they would not want this disturbed by restaurants, motels, etc.

Since there were no further comments, the Public Hearing was closed at 6:00 p.m.

MINUTES OF SPECIAL TOWN BOARD MEETING OF AUGUST 30, 2006

PUBLIC HEARING: 5:03 p.m. Proposed Local Law 7, 2006 –Abatement of Vacant Structures

Attorney Reed called the Public Hearing to order at 6:00 p.m. and read the legal notice published in the Elmira Star Gazette on August 5, 2006, to allow and consider public comments concerning proposed Local Law 7, 2006 that is a Local Law of the Town of Big Flats regarding Abatement of Vacant Structures.

AGAINST:

George Miner, 19 Woodland Drive, encouraged the Town Board to not table but defeat proposed Local Law 7, 2006. The section allowing the Town to demolish a building vacated for more than two years would not permit funding of new businesses and or any renovation. During discussions with attorneys and lending institutions, there is a consensus that funding would not be provided due to the fact that the structures are typically used as collateral.

Dave Dalrymple, 274 Coleman Avenue, representing Dalrymple Realty, stated the proposed local law is an example of unintended consequences that would not only affect commercial but residential. The Town Board should reassess this law and redefine the definitions of vacancy and abandonment.

Steve Agan, Attorney with Sayles & Evans, felt the proposed legislation was anti-business and anti-development. The passage could eliminate economic development, create job loss and lead to a loss of future jobs. Mr. Agan recommended that the law be more toward abandoned property rather than vacant. This could decline the market value of the property and certainly property values could decline. To summarize, it is hard enough to get good businesses to come to this area without additional restraints to scare people off.

Carolyn Welliver, 107 Lyons Drive Extension, resident and business owner, explained that during the process of closing their gift shop and trying to sell the property the building was vacant for over 3 years. Once a decision was made to open a daycare at this location, the required approval took another year; therefore, with the vacancy existing over 4 years this building would have been consider vacant. There are vacancies that are out of the control of the property owner; however, during the vacancy the property is well maintained and appealing. Mrs. Welliver recommended the Town Board reconsider the language of the proposed local law.

Thomas Santulli, 1528 W. Water Street, stated that the intent is not what it looks like with the local law and felt that this law needed to be defeated. The buildings are collateral on loans and that is what the banks use to collect financing. Mr. Santulli felt there are other ways to resolve vacant building situations rather than adopting this local law.

James Orsillo, 119 Sing Sing Road, stated he was against this law. He is contemplating adding to his business; however, with the proposed laws does not dare to construct anything.

Stanley Koziatsek, 308 River Road, Corning and owner of 3309 Chambers Road, explained that he owns the carwash across from the Arnot Mall and explained that his understanding was that if someone went to Florida for three months out of the year for two years this law would authorize the Town to remove the structure. If this were the case almost every house would be torn down and questioned whether the Town has the staffing to enforce these laws.

MINUTES OF SPECIAL TOWN BOARD MEETING OF AUGUST 30, 2006

Art Ambrose, 348 Coleman Avenue, stated that he understood the intent behind the law; however, the wording does not make sense. There is a difference between a vacant property that is well maintained and an abandoned property that creates problems for the neighborhood. He encouraged the Town Board to not table this law; however, get rid of this local law.

Julie Kucko, 107 Hibbard Road, felt that if this proposed local law passed and property values go down, this will also be equally true with commercial businesses. If this is the case the property would not be saleable and the property owners would be requesting an assessment reduction.

Bill Stewart, 414 Lloyd Drive Extension, stated that he has lived in Big Flats and Chemung County for over 52 years and felt the two local laws discussed are confusing. Why do we want non-conforming buildings and property?

IN FAVOR:

David Wigsten, 3 Garden Lane, stated that he was in favor and a perfect example of why the Town should pass this law is the Chase Pitkin building and when there is also the potential concern with Walmart. Mr. Wigsten also pointed out that the Chemung County Planning Board does not represent the people of Chemung County.

COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 6:27 p.m.

PUBLIC HEARING: 5:06 p.m. Proposed Local Law 8, 2006 – Large Scale Development Requirements

Attorney Reed called the Public Hearing to order at 6:27 p.m. and read the legal notice published in the Elmira Star Gazette on August 5, 2006, to allow and consider public comments concerning proposed Local Law 8, 2006 titled “Local Law of the Town of Big Flats regarding Large Scale Development Requirements”.

AGAINST:

Steve Agan, Attorney for Sayles & Evans, explained that the proposed local law appears to be geared more toward “big box” development, specifically when discussing bonds and an economic development history. These requests involve a bond being obtained that may be very costly and add unnecessary burden on the developer. If an economic impact study is required, developers will not want to do this due to the concerns with competitors reviewing these documents under the Freedom of Information Act. Mr. Agan summarized by stating that properties would be unmarketable for both lending and purchasing purposes and again requested that the Town Board not adopt Local Law 8, 2006.

David Dalrymple, Dalrymple Realty, felt the proposed local law clearly imposes additional cost to business owners. Today businesses vote with their dollars and with the proposed local laws developers will not come to this region. Mr. Dalrymple explained that a balance was needed between the community and developers. Once the Town obtains these economic impact studies what are they going to do with the information? Is the Town going to hire an economic development staff? Also, the demolition of structures after two years of vacancies is flawed.

MINUTES OF SPECIAL TOWN BOARD MEETING OF AUGUST 30, 2006

Mr. Dalrymple reiterated that these laws are business unfriendly and requested the Town Board not consider these laws.

George Miner, 19 Woodland Drive, requested the Town Board defeat the local law this evening. He has asked several people what the bonds were and at this point no body can explain this process to him. Mr. Miner explained that Southern Tier Economic Growth does a lot of economic studies that require proprietary information and the concerns would be sharing this with public entities. The Town should not be in business to control competition nor put itself into a position of hiring a professional economist.

Stanley Koziatsek, 308 River Road, Corning and owner of 3309 Chambers Road, stated the proposal is crazy and asked if there was research to determine whether or not other places had this law. There will never be a building built in this area and nobody will ever get a mortgage.

IN FAVOR: None

COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 6:40 p.m.

PUBLIC HEARING: 5:09 p.m. Proposed Local Law 9, 2006 – Aquifer Overlay Protection District

Attorney Reed called the Public Hearing to order at 6:50 p.m. and read the legal notice published in the Elmira Star Gazette on August 5, 2006, to allow and consider public comments concerning proposed Local Law 9, 2006 regarding the Aquifer Overlay Protection District.

AGAINST:

Doug Wolfe, 2898 State Route 352, agreed that the aquifer needs to be protected and is pleased to see that there is specific language that indicates that the law is not meant to supercede state or agricultural laws. Mr. Wolfe felt that Section G (3) does not identify any domination or threshold quantities. Again there is similar concern with items 14 and 15 and the language in the law should be more specific.

Stanley Koziatsek, 308 River Road, Corning and owner of 3309 Chambers Road, explained the best thing for the aquifer is to install sewers and the fastest way to extend sewer is by businesses. This law will be another cost and hurdle for the developer.

IN FAVOR:

Jim Orsillo, 119 Sing Sing Road, stated that he appreciated the zoning and site plan requirements; however, if the farmland along Sing Sing Road is changed to Residential 1 designation there will be a big problem once this area is developed. He is in favor of protecting the aquifer.

Tom Giles, Chairman of the Farmland Protection Board of Chemung County and owner of Maple Valley Farm Market, agreed that water has an impact on the Town of Big Flats. To permit more housing on the hills near the Airport, will create big problems.

MINUTES OF SPECIAL TOWN BOARD MEETING OF AUGUST 30, 2006

COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 7:00 p.m.

PUBLIC HEARING: 5:12 p.m. Proposed Local Law 10, 2006 – Proposed Amendment to
Outdoor Lighting Law

Attorney Reed called the Public Hearing to order at 7:00 p.m. and read the legal notice published in the Elmira Star Gazette on August 5, 2006, to allow and consider public comments concerning proposed Local Law 10, 2006 regarding outdoor lighting in the Town of Big Flats.

AGAINST: None

IN FAVOR:

Jim Orsillo, 119 Sing Sing Road, stated that he is totally against the blinking lights near the intersection of Kahler and Sing Sing Roads and is in agreement with an outdoor lighting policy.

Leonard Kaner, 7 Miller Street, stated that he lives approximately 5 miles from Consumer Square and in the evening cannot see the sky and/or stars due to the lighting from Consumer Square.

COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 7:02 p.m.

PUBLIC HEARING: 5:15 p.m. Proposed Local Law 11, 2006 – Special Use Permit Criteria

Attorney Reed called the Public Hearing to order at 7:02 p.m. and read the legal notice published in the Elmira Star Gazette on August 5, 2006, to allow and consider public comments concerning proposed Local Law 11, 2006 regarding special use permit criteria.

AGAINST: None

IN FAVOR: None

COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 7:03 p.m.

Since there was no further business to come before the Town Board, Councilperson Manchester made a motion, seconded by Councilperson Frisbie to adjourn the meeting at 7:03 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 13, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Dean Frisbie
 David Manchester
 Michael Smith
 Attorney Thomas Reed
 Clerk Teresa Dean

Supervisor Balland called the Town Board meeting of September 13, 2006 to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

REPORTS

The following reports for September 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Building Inspector/Code Enforcement Officer Reports; Supervisor's Fund Balance Report; SPCA Monthly Report; Agriculture & Markets Monthly Report; Parks Commission Meeting Minutes; Community Center Monthly Report; Assessor's Monthly Report; Department of Public Works Monthly Report.

Councilperson Manchester reported the Town Board has a proposed resolution to accept the resignation of Chuck Coons; therefore, the eligibility list for Building Inspector/Code Enforcement Officer has been received and interviews will be scheduled for next week. The Town has been working on a continuation public service contract with Time Warner; however, the final contract is being prepared and the intent would be to hold one public hearing for all municipalities in Chemung County. Councilperson Manchester stated that the Planning Board Chairperson is attending a conference in October that will discuss outdoor wood boilers; therefore, once more information is being gathered regarding these boilers, a proposed local law will be revised and provided to the Town Board.

Supervisor Balland stated the Town Board would be reviewing proposed Local Law 10 of 2006 regulating outdoor lighting at this evenings meeting and the next proposed law is Local Law 9 of 2006 – Aquifer Overlay Protection District. It is anticipated that the vacant structure law will be available in November and the zoning will be next Spring.

CONCERNS OF THE PEOPLE

Carolyn Welliver, 259 Daniel Zenker Drive, thanked the Town staff for calling once the water advisory was lifted.

OLD BUSINESS

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 13, 2006

RESOLUTION NO. 230-06
LOCAL LAW NO. 10, 2006 REGULATING OUTDOOR LIGHTING APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS, the Town duly held a public hearing on August 30, 2006 regarding the adoption of Local Law No. 10 entitled Outdoor Lighting Law, and

WHEREAS, the Town Board has hereby determined the adoption of such local law is a Type I Action pursuant the State Environmental Quality Review (SEQRA) regulations 6NYCRR 617 for which this Board is declared Lead Agency having completed a coordinated review, and

WHEREAS, upon review of the Full Environmental Assessment Form dated August 11, 2006, the Town hereby declares the adoption of this local law will not have any significant adverse environmental impacts as a result thereof, and

WHEREAS, pursuant to General Municipal Law Section 239-m, the Chemung Count Planning Board, by way of correspondence dated August 29, 2006, has motioned to assent to local determination, now

BE IT THEREFORE RESOLVED the Town Board hereby adopts Local Law No. 10, 2006 Outdoor Lighting Law and authorizes and directs the Town Clerk to file such law with the Secretary of State of the State of New York upon which filing said local law shall become effective.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

NEW BUSINESS

RESOLUTION NO. 231-06
OIL AND GAS LEASE WITH EAST RESOURCE INC. FOR HENRY MINIER PARK PROPERTY
APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Town of Big Flats has been approached by East Resources Inc.. for the purpose of providing an Oil and Gas Lease for property owned by the Town of Big Flats, and

WHEREAS said lease would be for a primary term of three (3) years, and

WHEREAS the Town Board has been requested to provide Oil and Gas Leases for property on or near State Route 352, also known as Henry Minier Park, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 13, 2006

RESOLUTION NO. 231-06, OIL AND GAS LEASE WITH EAST RESOURCE INC. FOR HENRY MINIER PARK PROPERTY continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the subject Gas and Oil Lease with East Resources Inc. for Tax Parcel 76.00-2-14.2, 14.2 acres.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 232-06

DIRECTOR OF BUILDING INSPECTION & CODE ENFORCEMENT RESIGNATION APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS a memo was received from Chuck Coons, dated August 30, 2006, stating he is resigning as Director of Building Inspection and Code Enforcement as of September 15, 2006, and

WHEREAS this is an administrative action and for environmental purposes is a Type II Action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Chuck Coons as Director of Building Inspection and Code Enforcement effective September 15, 2006 and request the Town Supervisor send a letter of appreciation.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 233-06

TOWN OF BIG FLATS YOUTH COMMISSION ABOLISHED

Resolution by: Frisbie
Seconded by: Fairbrother

WHEREAS the Town presently has established a Youth Commission with historical origins traced to Resolutions 1, 2 and 3 adopted April 6, 1956, Town Board minutes establishing the then known as Recreation Commission whose purpose was to formulate policy and regulations for the Town parks and recreational projects and programs, and

WHEREAS the Town Board has determined said Youth Commission is no longer necessary to engage in this purpose, and

WHEREAS the Town Board has determined that the Youth Commission should be abolished, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 13, 2006

RESOLUTION NO. 233-06, TOWN OF BIG FLATS YOUTH COMMISSION ABOLISHED continued

BE IT THEREFORE RESOLVED the Youth Commission otherwise known as the Recreation Commission is hereby abolished, and

FURTHER RESOLVED the Town Supervisor is requested to send a letter of appreciation to the Youth Commission members.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 234-06
TENTATIVE CSEA CONTRACT APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS the existing CSEA Contract Agreement expired on December 31, 2005, and

WHEREAS the Town entered into negotiations with CSEA to negotiate a new three (3) year agreement, and

WHEREAS the Town and CSEA have reached a tentative agreement, and

WHEREAS the CSEA voted to ratify the tentative agreement, and

WHEREAS for environmental review purposes, Administration is a Type II action in accordance with SEQRA 6NYCRR and as such, no further action is necessary regarding same,

BE IT THEREFORE RESOLVED the Town Board hereby accepts the tentative CSEA Contract between the Civil Service Employee's Association, Inc. and the Town of Big Flats commencing January 1, 2006 through December 31, 2008.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 13, 2006

RESOLUTION NO. 235-06
ACCESS 2003, LEVEL 2 COURSE ATTENDANCE APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS the Deputy Town Clerk and Secretary 1 for the Department of Public Works has requested authorization to participate in the Access 2003, Level 2 course offered by Joint Education and Training (JET) on September 28, 2006 from 9:00 a.m. to 4:00 p.m., and

WHEREAS the Town Clerk, Commissioner of Public Works and Town Supervisor agree with said request, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes Sheree McGannon – Deputy Town Clerk and Debbie Knoll – Secretary 1 for the Department of Public Works to attend the Access 2003, Level 2 course offered by Joint Education and Training on September 28, 2006 from 9:00 a.m. to 4:00 p.m.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Supervisor Balland made a motion, seconded by Councilperson Manchester to enter into Executive Session immediately following the correspondence items to discuss a particular personnel matter. All in favor. Motion carried.

CORRESPONDENCE

Advisories Issued/C-J's Country Kids Childcare Center, LLC. A letter was received from Carolyn Welliver, Director of C-J's Country Kids Childcare Center, dated September 6, 2006, requesting they be notified of any advisory issued by the Town of Big Flats Water Department.

Zoning Law Concerns/Orthstar Incorporated. A letter was received from James Orsillo, CEO of Orthstar Incorporated, dated September 5, 2006, urging the Town Board to table proposed Local Law 6 of 2006 until a meeting can be held to develop a consistent and beneficial plan for both businesses and residents. He also requested the Town Board vote down Local Laws 7 and 8 due to the potential economic impacts.

Zoning Law Concerns/Thundering Hooves Stables. A letter was received from James Orsillo, CEO/President of Thundering Hooves Stables, dated September 5, 2006, urging the Town Board to not change the zoning for the three farms on Sing Sing Road from the current Rural District (RU) to Residential (R1).

65/35 Program 2007 Budget/CC Youth Bureau & Recreational Services. A memo was received from Christine O'Herron of Chemung County Youth Bureau & Recreational Services, dated August 24, 2006, informing the Town Board that the 2007 budget figures for the Town of Big Flats 65/35 Preventive Funding Program had been approved.

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 13, 2006

Proposition Concerns/L Enterprises, LLC. A letter was received from David Lubin of L Enterprises, LLC, dated August 29, 2006, urging the Town Board to reconsider the proposed local laws until further investigation can be conducted.

Water Quality Improvement Project Program/NYSDEC. A letter was received from Denise Sheehan Commissioner for the New York State Department of Environmental Conservation (NYSDEC), dated August 2006, informing the Town of Big Flats that NYS DEC is now accepting applications for the Water Quality Improvement Project program.

Thunderbird Green Concerns/F. Preston. A letter was received from Florence Preston, dated August 26, 2006, informing the Town Board of tires, broken bicycles, trash on porches, garbage dumped behind trailers, and abandoned vehicles in Thunderbird Green Trailer Park and also behind property along Sing Sing Road.

Outdoor Wood Boilers/NYS Attorney General. A letter was received from Eliot Spitzer, Attorney General of the State of New York, dated August 11, 2006, regarding a petition for rulemaking to the Administrator of Environmental Protection Agency relative to outdoor wood boilers.

Whitney Park Proposal/NYS Office of Parks, Recreation & Historic Preservation. A letter was received from Kevin Burns, Chief of Grants for New York State Office of Parks, Recreation and Historic Preservation, dated August 9, 2006, informing the Town of Big Flats the grant for Whitney Park property development for 2005 funding was not selected.

Dog Control Statistics-Contract Request/CC Humane Society & SPCA. A letter was received from Elaine Walker, Executive Director of the Chemung County Humane Society and SPCA, dated August 22, 2006, providing the Town Board with dog control statistics, a summary of services available and a 2007 budget request amount for the Town of Big Flats.

The Town Board entered into Executive Session at 5:16 p.m.

Supervisor Balland reconvened the Town Board meeting at 6:30 p.m.

Councilperson Frisbie made a motion, seconded by Councilperson Manchester, to adjourn the meeting at 6:30 p.m. All in favor. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 Mike Smith
 David Manchester
 Dean Frisbie
 Attorney Thomas Reed
 Clerk Teresa Dean

Supervisor Balland called the Water Board Workshop to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

WATER BOARD

NEW BUSINESS

RESOLUTION NO. 236-06

WATER DISTRICT #2 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS Water District #2 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District #2 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2007 Special Assessment roll for Water District #2 has been completed and filed with the Town Clerk on September 25, 2006, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of a public hearing in the matter of the 2006 Special Assessment Roll for Water District #2 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 11, 2006, at 4:33 p.m., and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time and location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
 NAYS: None

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

RESOLUTION NO. 237-06
WATER DISTRICT #3 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS Water District #3 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District #3 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2007 Special Assessment roll for Water District #3 has been completed and filed with the Town Clerk on September 25, 2006, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of a public hearing in the matter of the 2007 Special Assessment Roll for Water District #3 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 11, 2006, at 4:35 p.m., and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time and location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

RESOLUTION NO. 238-06

WATER DISTRICT #4 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED

Resolution by: Frisbie

Seconded by: Manchester

WHEREAS Water District #4 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District #4 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2007 Special Assessment roll for Water District #4 has been completed and filed with the Town Clerk on September 25, 2006, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of a public hearing in the matter of the 2007 Special Assessment Roll for Water District #4 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 11, 2006, at 4:37 p.m., and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time and location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

Since there was no further business to come before the Water Board, Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to adjourn the meeting at 7:04 p.m.

TOWN BOARD

Supervisor Balland called the Town Board meeting to order at 7:04 p.m.

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

REPORTS

Supervisor Balland reported the following:

- ✓ A task force has been established for the vacant structure proposed law;
- ✓ The Community Center building is being used regularly and is currently booked;
- ✓ A meeting was held with the Town of Horseheads to discuss shared services for assessing, specifically the commercial assessments with Briggs Appraisal;
- ✓ The Town may want to consider hiring a data collector for a few hours a week since Mr. Abercrombie is no longer available;
- ✓ The flags are up on Maple, Canal, Main and Olcott Road South;
- ✓ Verizon will be running a line underground on Canal Street;
- ✓ A final review of the budget will be conducted prior to submitting the budget to the Bookkeeper; and
- ✓ The renovation for the State Police is in progress and hopefully the office will be utilized prior to the end of October.

Councilperson Manchester reported the following:

- ✓ A meeting was held at the Village of Horseheads to discuss the outdoor wood burning ordinance and a representative of the outdoor burning products was available to discuss concerns with the burning and smoke generation;
- ✓ A representative of Time Warner Cable is in the process of incorporating the proposed changes to the contract and once completed will be provided to the Town Supervisor of Southport and Councilperson Manchester. The municipal benefit sites and current facility overlay areas need to be identified;
- ✓ The bookkeeper has been provided with the appropriate documentation relative to Town retirees and the medical coverage;
- ✓ Advertisement was placed in the local newspaper for a Part Time Custodian. Interviews were conducted and it is anticipated that a recommendation will be forthcoming; and
- ✓ It appears that the Building Inspector/Code Enforcement eligibility list is not valid. We had one response and conducted an interview of that person and another person who is not on the Civil Service list.

Councilperson Fairbrother reported the following:

- ✓ At the RAMS meeting there was discussion regarding highway departments and the separate commissions. At this point Councilperson Fairbrother felt there was not a good business plan and no basis for sharing services and equipment. It has not been determined whether the shared services would be plowing, equipment and/or maintenance;
- ✓ The County is proposing a lower 2007 tax rate;
- ✓ Pan AM airways will begin with flights two days a week to Florida; and
- ✓ It appears that vehicles are entering through Whitney Park and damaging the area near the detention pond. A committee is being setup to monitor this and to complete a proposed plan for the new park grading. At this point discussions have settled around keeping this area as a natural setting with walking paths.

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to approve the minutes of August 23, 2006 as presented. All in favor, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Manchester, to approve the minutes of August 25, 2006 Special Town Board Meeting as presented. All in favor, motion carried.

Councilperson Frisbie made a motion, seconded by Councilperson Smith, to approve the minutes of August 30, 2006 Special Town Board Meeting as presented. All in favor, except Councilperson Fairbrother abstained. Motion carried.

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to approve the minutes of September 13, 2006 as presented. All in favor, motion carried.

CONCERNS OF THE PEOPLE

Don Gaylord, Highway Supervisor, stated a flag located near Winters Road will be removed due to the concerns with location blocking the view of the stop sign.

Councilperson Manchester stated he had a discussion with the Town Planner regarding the noise study for the proposed Sikorsky Hawk Work Completion Center and he was informed that the noise is measured by event. The decibel level is diluted over a 24 hour period. With the previous concerns raised by the public and the information provided, Councilperson Manchester is concerned that this may not be the proper location for this facility. He also questioned whether the black hawk will be the only helicopter being manufactured or are there plans for other types. Besides the continued noise of the helicopters, the vibration from the helicopters and proposed lighting is also a concern.

OLD BUSINESS

RESOLUTION NO. 239-06

AMENDMENT OF RESOLUTION NO. 229-06, TEMPORARY PART-TIME BUILDING INSPECTOR/CEO ASSISTANT APPROVED

Resolution by: Frisbie

Seconded by: Smith

WHEREAS the Town Board adopted Resolution No. 229-06 appointing a Part-time Building Inspector and Code Enforcement Officer Assistant, and

WHEREAS said position was inaccurately titled and must be amended, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

RESOLUTION NO. 239-06, AMENDMENT OF RESOLUTION NO. 229-06, TEMPORARY PART-TIME BUILDING INSPECTOR/CEO ASSISTANT APPROVED continued

BE IT THEREFORE RESOLVED the Town Board amends the title for Rodney Roe and hereby appoints Rodney Roe, 379 E. Sullivanville Road, Horseheads to the position of Temporary Part Time Building Inspector/Code Enforcement Officer Assistant, effective August 28, 2006, at the rate of \$15.00 per hour not-to-exceed 20 hours per week, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate report of Personnel Change and Extended Payroll Certificate ("RPC") for this hiring.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

NEW BUSINESS

RESOLUTION NO. 240-06
SALARY RATE FOR THE DRAINAGE EQUIPMENT OPERATOR APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS Leon Stiles, Drainage Equipment Operator, returned to work on April 17, 2006, and

WHEREAS the Drainage Equipment Operator rate of pay was not established for 2006, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets the salary for Leon Stiles, Drainage Equipment Operator, at the rate of \$19.66 per hour retroactive to April 17, 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Part Time Building Inspector/Code Enforcement Officer. This item was deleted.

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

RESOLUTION NO. 241-06

DIRECTOR OF BUILDING INSPECTOR/CODE ENFORCEMENT POSITION ABOLISHED

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS the Town Board accepted the resignation of the Director of Building Inspector/Code Enforcement Office, and

WHEREAS the Town Board has determined that this position is no longer beneficial to the Town of Big Flats, and

WHEREAS the administration of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED the Town Board hereby formally abolishes the position of Director of Building Inspector/Code Enforcement Office.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 242-06

FULL TIME BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER POSITION
APPROVED

Resolution by: Smith

Seconded by: Frisbie

WHEREAS the Town Board recognizes the need for the position of full time Building Inspector/Code Enforcement Officer for the Town of Big Flats, and

WHEREAS the administration of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED the Town Board authorizes the Town Supervisor to submit a New Position Duties Statement to Chemung County/City of Elmira Regional Civil Service Commission requesting that a new full time position be classified in the Town in order to reorganize the Building Inspector/Code Enforcement Office, and

FURTHER RESOLVED the Town Board hereby formally authorizes the creation of a new full time position within the Town, titled "Building Inspector/Code Enforcement Officer", to supervise, plan and manage the Town Building Inspection and Code Enforcement Office, subject to the review, approval and classification of the Chemung County/City of Elmira Regional Civil Service Commission, and

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

RESOLUTION NO. 242-06, FULL TIME BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER POSITION APPROVED continued

FURTHER RESOLVED the Town Board hereby establishes the starting salary schedule for such position to between \$32,000 and 40,000 per year, plus full time benefits as provided by the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 243-06
BOARD OF ASSESSMENT REVIEW MEMBER RESIGNATION ACCEPTED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Town Board has received a letter from William C. Lewis that due to personal reasons, he is unable to remain as a member of the Board of Assessment Review, and

WHEREAS for environmental review administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of William C. Lewis, 59 Hillview Drive, Big Flats as a member of the Board of Assessment Review effective September 30, 2006 and request that the Town Supervisor, on behalf of the Town Board, send a letter of appreciation.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 244-06
OIL AND GAS LEASE WITH EAST RESOURCE INC. FOR BOTTCHER'S LANDING PROPERTY APPROVED

Resolution by: Balland
Seconded by: Manchester

WHEREAS the Town of Big Flats has been approached by East Resources Inc.. for the purpose of providing an Oil and Gas Lease for property owned by the Town of Big Flats, and

WHEREAS said lease would be for a primary term of three (3) years, and

WHEREAS the Town Board has been requested to provide Oil and Gas Leases for property on or near South Corning Road, also known as Bottcher's Landing, and

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

RESOLUTION NO. 244-06, OIL AND GAS LEASE WITH EAST RESOURCE INC. FOR
BOTTCHER'S LANDING PROPERTY APPROVED continued

WHEREAS for environmental review, administration is a Type II action in accordance with
SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the
same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the
subject Gas and Oil Lease with East Resources Inc. for Tax Parcel 76.00-2-1.3, 5.44 acres.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 245-06
GENERAL AND HIGHWAY FUND BUDGET TRANSFER APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS in order to meet current and upcoming expenses, it is necessary to transfer money,
now

BE IT THEREFORE RESOLVED the Town Board authorizes the following General Fund
transfer:

FROM:	Library	A7410.0400	\$4,500		
TO:	Traffic Control	A3310.0400	\$	500.00	
	Youth Recreation	A7311.0400	\$3,000.00		
	CEO/Bld. Inspector	A8021.0400	\$1,000.00		

FURTHER RESOLVED the Town Board authorizes the following Highway Fund transfer:

FROM:	Machinery	D5110.0400	\$	3,000.00	
	NYS Ret.	D9010.0800	\$10,000.00		
	Social Security	D9030.0800	\$	3,000.00	
	Hosp. & Med Ins.	D9060.0800	\$18,000.00		
TO:	General Repair	D5110.0400	\$	3,000.00	
	Improvements	D5112.0400	\$50,674.00		
	Snow Removal	D5142.0400	\$	300.00	

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

RESOLUTION NO. 246-06

ABSTRACT OF AUDITED VOUCHERS FOR SEPTEMBER 2006 APPROVED

Resolution by: Manchester

Seconded by: Frisbie

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for September 2006, vouchers 4780 – 4895, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$85,236.17
HIGHWAY FUND	\$77,708.10
WATER DISTRICT #1	\$ 5,355.90
WATER DISTRICT #2	\$ 5,013.07
WATER DISTRICT #3	\$ 1,803.88
WATER DISTRICT #4	\$ 218.47
LIGHTING DISTRICT	\$ 654.83
TRUST & AGENCY	\$ 9,722.94

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Supervisor Balland made a motion, seconded by Councilperson Manchester, to enter into Executive Session immediately following the Town Board meeting to discuss a particular personnel matter. All in favor, motion carried.

CORRESPONDENCE

2007 Annual Budget/BF Fire District #1. The annual estimated budget for Big Flats Fire District #1 was received for fiscal year beginning January 1, 2007.

Exempt Status – Shadowstand Properties/CC IDA. A memo was received from George Miner of Chemung County Industrial Development Agency (CCIDA), dated September 15, 2006, concurring with the Town Assessor that Shadowstand is ineligible to receive abatements on the CCIDA Payment In Lieu of Taxes program.

Sikorsky Hawk Work Completion Center Notice of Determination/CC Legislature. A certified resolution of the Notice of Determination of Non-significance, dated September 13, 2006, was received from the Chemung County Legislature for the Schweizer/Sikorsky Black Haw Completion Center.

Small Claims Assessment Review Decisions. The decisions, dated September 13, 2006, for small claims assessment were received for Soriano, 249 Leisure Lane and Laudenslager, 10 Woods View Drive.

2006 Summer Cohesion Program Municipal Share/CC Summer Cohesion. A letter was received from Lisa Bowers, Youth Program Coordinator for Chemung County Youth Bureau and Recreational Services, dated September 6, 2006, providing an overview of the 2006 Summer Cohesion program held in the Town of Big Flats at the Big Flats Elementary School.

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 27, 2006

Proposed Zoning Concerns – Angela Piersimoni; New York Farm Bureau, Inc. A letter was received from Angela Piersimoni recommending the planned unit development portion of the proposed zoning should be clearer and Local Law 7, Abatement of Vacant Structures, should be specific in delineation of residential versus commercial.

A letter was received from Ashur Terwilliger, President of the Chemung County Farm Bureau, dated September 11, 2006, expressing concern that the proposed changes may be detrimental to existing and future agricultural operations and recommended the comprehensive plan be reviewed by the NYS Department of Agriculture and Markets.

The Town Board entered into Executive Session at 7:50 p.m.

Supervisor Balland reconvened the Town Board meeting at 9:05 p.m.

Since there was no further business to come before the Town Board, Councilperson Frisbie made a motion, seconded by Councilperson Manchester to adjourn the meeting at 9:06 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

PRESENT: Deputy Supervisor Edward Fairbrother
Council Dean Frisbie
David Manchester
Michael Smith
Attorney Thomas Reed
Clerk Teresa Dean

ABSENT: Supervisor Mary Ann Balland

Councilperson Fairbrother called the Water Board workshop of October 11, 2006 to order at 4:30 p.m. and requested participation in the Pledge of Allegiance. Councilperson Fairbrother noted that Supervisor Balland was on vacation and he would conduct the workshop.

PUBLIC HEARING: 4:33 p.m. Water District #2 Special Assessment

Attorney Reed called the Public Hearing to order at 4:33 p.m. and read the legal notice published in the Elmira Star Gazette on October 2, 2006, to allow and consider public comments concerning the proposed 2007 Special Assessment for Water District #2.

IN FAVOR: None

OPPOSITION: None

COMMENTS: Don Gray, 73 Retirement Drive, asked what was the purpose of the assessment charge. Larry Wagner, Commissioner of Public Works, explained the charge was to pay off a debt for remetering in Water District #2 and Water District #3 and #4 are for the purchase of the water district and the remetering.

Since there were no further comments, the Public Hearing was closed at 4:36 p.m.

PUBLIC HEARING: 4:35 p.m. Water District #3 Special Assessment

Attorney Reed called the Public Hearing to order at 4:36 p.m. and read the legal notice published in the Elmira Star Gazette on October 2, 2006, to allow and consider public comments concerning the proposed 2007 Special Assessment for Water District #3.

IN FAVOR: None

OPPOSITION: None

COMMENTS: Don Gray, 73 Retirement Drive, asked how the water pressure could be improved. Councilperson Fairbrother stated this issue would be discussed during the Water District #3 Public Hearing agenda item.

Since there were no further comments, the Public Hearing was closed at 4:37 p.m.

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

PUBLIC HEARING: 4:37 p.m. Water District #4 Special Assessment

Attorney Reed called the Public Hearing to order at 4:37 p.m. and read the legal notice published in the Elmira Star Gazette on October 3, 2006, to allow and consider public comments concerning the proposed 2007 Special Assessment for Water District #3.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:38 p.m.

OLD BUSINESS

RESOLUTION NO. 248-06

2007 SPECIAL ASSESSMENT FOR WATER DISTRICT #2 APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment roll in connection with the financing of existing debt service for capital improvements for Water District #2 and filed the same with the Town Clerk of the Town of Big Flats on September 25, 2006, and

WHEREAS the Water Board caused due notice of the completion of said assessment roll and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment roll, to be duly published according to law, and

WHEREAS Water District #2 consists of 1042 users with a user charge for 2007 Water District #2 Special Assessment of \$17.46, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 11, 2006, the time and place specified in said notice and heard and considered all objections to said assessment roll, now

BE IT THEREFORE RESOLVED the said assessment roll be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment roll a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax roll, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother
NAYS: None ABSENT: Balland

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

RESOLUTION NO. 249-06
2007 SPECIAL ASSESSMENT FOR WATER DISTRICT #3 APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment roll in connection with the financing of existing debt service for capital improvements for Water District #3 and filed the same with the Town Clerk of the Town of Big Flats on September 25, 2006, and

WHEREAS the Water Board caused due notice of the completion of said assessment roll and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment roll, to be duly published according to law, and

WHEREAS Water District #3 consists of 480 users with a user charge for 2007 Water District #3 Special Assessment of \$69.37, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 11, 2006, the time and place specified in said notice and heard and considered all objections to said assessment roll, now

BE IT THEREFORE RESOLVED the said assessment roll be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment roll a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax roll, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother
NAYS: None ABSENT: Balland

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

RESOLUTION NO. 250-06
2007 SPECIAL ASSESSMENT FOR WATER DISTRICT #4 APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment roll in connection with the financing of existing debt service for Water District #4 and filed the same with the Town Clerk of the Town of Big Flats on September 25, 2006, and

WHEREAS the Water Board caused due notice of the completion of said assessment roll and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment roll, to be duly published according to law, and

WHEREAS Water District #4 consists of 77 users with a user charge for 2007 Water District #4 Special Assessment of \$157.83, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 11, 2006, the time and place specified in said notice and heard and considered all objections to said assessment roll, now

BE IT THEREFORE RESOLVED the said assessment roll be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and be it

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment roll a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax roll, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother
NAYS: None ABSENT: Balland

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to amend Resolution No. 250-06 to reflect the 2007 Water District #4 Special Assessment amount to be \$157.58. All in favor, except Supervisor Balland was absent. Motion carried.

NEW BUSINESS

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

RESOLUTION NO. 251-06
1989 GMC TRUCK SURPLUS APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Commissioner of Public Works recommends the Water Department 1989 GMC $\frac{3}{4}$ ton pick-up with utility body, Title and Identification No. 2GTFC24K8K1525078, be declared as surplus, and

WHEREAS for environmental review purposes, the surplus of equipment is a Type II Action for the purposes of SEQRA and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of Public Works, authorizes the Town Clerk to advertise these items for sale.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother
NAYS: None ABSENT: Balland

RESOLUTION NO. 252-06
PUBLIC HEARING FOR WATER DISTRICT NO. 3 SING SING WATERMAIN LOOP
IMPROVEMENTS APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS the need for Water District No. 3 Sing Sing Watermain Loop improvements has been presented to the Town Board, and

WHEREAS water system improvements involve the installation of a 12 inch diameter watermain from the intersection of Sing Sing Road and Brookwood Hills Drive to the intersection of Chambers and Sing Sing Roads, and

WHEREAS the improvements also involve 700LF (+/-) section of 12-inch diameter watermain along Sing Sing Road adjacent to the Hunter's Run Subdivision, and

WHEREAS a map, plan and report detailing said improvements dated September 2006, entitled "Conceptual Sing Sing Road Watermain Loop Improvements for Water District #3", Project #021102 prepared by MRB Group, a copy of which is on file with the Town Clerk, and

WHEREAS the maximum amount proposed to be expended for such improvement is \$414,566; the estimated cost of hook up fees is \$0 and the estimated cost of the extension to the typical property and, if different, the typical one or two family home, \$0, the annual estimated usage charge is \$312.10, and

WHEREAS financing is necessary to complete such improvements, and

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

RESOLUTION NO. 252-06, PUBLIC HEARING FOR WATER DISTRICT NO. 3 SING SING WATERMAIN LOOP IMPROVEMENTS APPROVED continued

WHEREAS such improvements will be approved as provided for in Town Law Section 202b, and

WHEREAS the above action is an Unlisted action for the purposes of SEQRA, with the Town of Big Flats Town Board hereby being declared the lead agency thereon, and

WHEREAS the Town Board will make a determination if the implementation of the subject action will result in any significant adverse impact on the environment upon the completion of the public hearing set herein, now

BE IT THEREFORE RESOLVED pursuant to Town Law Section 193 that the Town Board of the Town of Big Flats shall meet at the Town Hall, located at 476 Maple Street, Town of Big Flats, on the 25th Day of October 2006, at 7:03 o'clock P.M. for the purpose of conducting a public hearing on the proposal to improve Water District No. 3 as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and

FURTHER RESOLVED that the Town Clerk is hereby ordered and authorized to publish a copy of this Order in the official paper for the Town, as required and provided for by law, and

FURTHER RESOLVED that the Town Clerk shall file a certified copy of this order with the State Comptroller's Office as required and provided by law.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother
NAYS: None ABSENT: Balland

Theodore Jacobus, 27 Palmer Road South, asked when the Town was going to consider automated payments? Jay Boudreau, Water System Supervisor, explained that the Water Department has discussed automated payments; however, at this time has not determined when and if automation will be implemented.

Since there was no further business to come before the Water Board, Councilperson Manchester made a motion, seconded by Councilperson Frisbie, to adjourn the meeting at 4:48 p.m.

TOWN BOARD

Councilperson Fairbrother called the Town Board meeting to order at 4:48 p.m.

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

REPORTS

The following reports for October 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Building Inspector/Code Enforcement Officer Reports; Supervisor's Fund Balance Report; SPCA Monthly Report; Agriculture & Markets Monthly Report; Parks Commission Meeting Minutes; Community Center Monthly Report; Assessor's Monthly Report; Department of Public Works Monthly Report; Justice Court Monthly Report.

Bill Torp, Town Assessor, explained the refund checks for the STAR program have been mailed. He also pointed out that there is concern with upstate New York paying for the New York City school systems and felt the school funding system should be reviewed.

Councilperson Manchester explained that interviews were conducted for the Building Inspector/Code Enforcement Officer position and an offer was extended; however, the applicant declined the position. Advertisements were placed in the local, Rochester and Syracuse newspapers and to date 11 resumes have been submitted. Interviews were also conducted for the position of Custodian.

Time Warner contract final draft is being processed and should be provided in the near future.

Councilperson Fairbrother explained a meeting was held with the Chemung County SPCA regarding the proposed contract and discussed whether or not to enter into a multi-year contract. Councilperson Frisbie pointed out the Town Board may want to consider contracting with the Town of Horseheads dog control.

Councilperson Fairbrother pointed out that an article was provided to the Town Board requesting the Board to consider the Adopt-a-Unit Program to establish a strong, supportive connection with soldiers, sailors, or airmen in a unit not already affiliated with the community. The Town Board should review this information and contact the Town Supervisor with their comments.

CONCERNS OF THE PEOPLE. None.

NEW BUSINESS

Councilperson Fairbrother added a proposed public hearing request for a moratorium regarding outdoor furnaces and executive session to the agenda.

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

RESOLUTION NO. 253-06

PUBLIC HEARING FOR KEN'S SERVICE CENTER SPECIAL USE PERMIT FOR TAX
PARCEL #66.02-2-61 APPROVED

Resolution by: Manchester

Seconded by: Smith

WHEREAS the Planning Board has received an application from Ken Lorson for a Motor Vehicle Filling Station use on tax parcel #66.02-2-61 located in the Town Center (TC) District; and

WHEREAS a motor vehicle filling station is a permitted use in the TC district pursuant to Section 17.12.010 of the Town Municipal Code with site plan approval of the Planning Board and Special Use Permit approval of the Town Board; and

WHEREAS prior to action on a Special Use Permit a Public Hearing shall be duly held by the Town Board; now

BE IT THEREFORE RESOLVED that the Town Board sets a Public Hearing for October 25, 2006 at 7:17 p.m. to hear comments for a Special Use Permit for Ken's Service Center.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother

NAYS: None

ABSENT: Balland

RESOLUTION NO. 254-06

PUBLIC HEARING FOR MILTON I. ROY SPECIAL USE PERMIT REQUEST FOR TAX
PARCEL #48.03-2-2.11 APPROVED

Resolution by: Frisbie

Seconded by: Manchester

WHEREAS, the Planning Board has received an application for site plan approval from Milton I. Roy, Jr., owner of tax parcel #48.03-2-2.11, for a soil mining operation as shown in documents received July 25, 2006; and

WHEREAS, the property is located at 660 Sing Sing Road in the Airport Business Development (ABD) district; and

WHEREAS, pursuant to Section 17.12.010 of the Big Flats Zoning Law, soil mining is a permitted use under site plan approval and special permit approval by the Town Board; and

WHEREAS prior to action on a Special Use Permit a Public Hearing shall be duly held by the Town Board; now

BE IT THEREFORE RESOLVED that the Town Board sets a Public Hearing for October 25, 2006 at 7:20 p.m. to hear comments for a Special Use Permit for Milt Roy Gravel Mine Permit Renewal and Expansion.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother

NAYS: None

ABSENT: Balland

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

RESOLUTION NO. 255-06
MEMORANDUM OF UNDERSTANDING WITH RSVP APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS the Town of Big Flats has previously obtained the services of Retired and Senior Volunteer Program (RSVP) of Chemung County, and

WHEREAS the Town Board feels that it is necessary to continue the services of RSVP, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Memorandum of Understanding with RSVP.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother
NAYS: None ABSENT: Balland

Judy Zimmerman, Director of Recreation, explained that they anticipated hiring two part-time custodians; however, it appears that two candidates are not available. Therefore, the request is for the hiring of one part time custodian.

RESOLUTION NO. 256-06
COMMUNITY CENTER PART TIME CUSTODIAN APPOINTMENT APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Director of Recreation has determined that a Part-time Custodian is needed to provide general custodial services as part of preparing and maintaining the Big Flats Community Center, and

WHEREAS for environmental review this is an administrative action, a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Director of Recreation, hereby appoints Robert J. Petrie as a Custodian at a rate of \$7.50 per hour.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother
NAYS: None ABSENT: Balland

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

RESOLUTION NO. 257-06
SURPLUS DECLARATION APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Commissioner of Public Works recommends the following items be declared as surplus:

- 1989 Ford F350 1-ton Stakebody, Identification No. 1FDJF37H5KNB54527
- 1996 International 4900, Identification No. 1HTSDAAP2TH281838

WHEREAS for environmental review purposes, the surplus of equipment is a Type II Action for the purposes of SEQRA and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of Public Works, authorizes the Town Clerk to advertise these items for sale, and

FURTHER RESOLVED the Town Clerk is authorized to advertise a minimum bid for the 1996 International 4900 for an amount of \$12,000.00.

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother
NAYS: None ABSENT: Balland

RESOLUTION NO. 258-06
PRELIMINARY BUDGET, SETTING ELECTED OFFICIALS COMPENSATION AND
PUBLIC HEARING APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS the Tentative Budget has been presented to the Town Board, and

WHEREAS the Town Board has conducted numerous budget workshops and determined that the Preliminary Budget has been completed, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board accepts the Preliminary Budget as presented and sets a public hearing to allow and consider comments on the Preliminary Budget for 7:15 p.m. on October 25, 2006, and

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

RESOLUTION NO. 258-06, PRELIMINARY BUDGET, SETTING ELECTED OFFICIALS
COMPENSATION AND PUBLIC HEARING APPROVED continued

FURTHER RESOLVED the Elected Officials salaries be set as follows:

Supervisor	28,927
Council (4)	6,695 each
Town Clerk	33,569
Tax Collector	6,876
Town Justices (2)	15,484 each

CARRIED: AYES: Frisbie, Manchester, Smith, Fairbrother
NAYS: None ABSENT: Balland

RESOLUTION NO. 259-06

PROPOSED LOCAL LAW 12, 2006, MORATORIUM REGARDING THE CONSTRUCTION,
INSTALLATION, PERMITTING AND USE OF OUTDOOR FURNACES PUBLIC
HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Frisbie

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with outdoor furnaces, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on November 8, 2006 at 4:35 p.m. to hear comments regarding proposed Local Law No. 12 of 2006 titled "A Moratorium regarding the Construction, Installation, Permitting and Use of Outdoor Furnaces in the Town of Big Flats".

APPROVED: AYES: Frisbie, Manchester, Smith Fairbrother
NAYS: None ABSENT: Balland

CORRESPONDENCE

Roy Soil Mining Concerns/L. McKee. A letter was received from Linnie McKee, dated September 21, 2006, stating they have no objection to the reestablishing of the Milton Roy soil mining operation; however, requested the company vehicles use alternative entrances and exits other than Sing Sing Road.

Tax Rate/Horseheads Central School District. A letter was received from Alan Dedrick, Board of Education President of the Horseheads Central School District, dated September 28, 2006, stating it is inaccurate to contend that had the levy remained unchanged, it would have resulted in a decrease in the per thousand tax rate for the Horseheads Central School District.

MINUTES OF TOWN BOARD WORKSHOP OF OCTOBER 11, 2006

Executive Session. Councilperson Manchester made a motion, seconded by Councilperson Frisbie to enter into Executive Session at 5:30 p.m. for the purposes of discussing a particular personnel matter. All in favor, except Supervisor Balland was absent. Motion carried.

Councilperson Fairbrother reconvened the Town Board meeting at 7:02 p.m.

Councilperson Manchester made a motion, seconded by Councilperson Frisbie, to adjourn the Town Board meeting at 7:02 p.m. All in favor, except Supervisor Balland was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

PRESENT: Supervisor Mary Ann Balland
Council Dean Frisbie
David Manchester
Michael Smith
Attorney Thomas Reed
Clerk Teresa Dean

ABSENT: Council Edward Fairbrother

Supervisor Balland called the Water Board meeting of October 25, 2006 to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

Prior to conducting the Public Hearing Commissioner Wagner provided a brief presentation of the proposed Water District #3 Sing Sing Road Watermain Loop. Commissioner Wagner explained that the main purposes for the proposed watermain loop are for fire flow and water pressure. The location of the existing and proposed 12" mains were reviewed. Concerns were raised on why fire hydrants were located in the area of the proposed fire hydrants and whether or not the improvements were for Water District #3 or future development. It was explained that the proposed loop would benefit the existing customers and Developers are required to install their own water mains prior to dedication to the Town. The cost of the project was discussed at length and it was pointed out that the worst-case scenario is an increase of \$54.60.

Supervisor Balland invited those residents who would like to see the current bonding information for Water District #3 to attend a meeting with representatives of the Water Department on Friday, November 3, 2006 at 11:30 a.m.

PUBLIC HEARING 7:32 p.m. Water District #3 Sing Sing Road Watermain Loop

Attorney Reed called the Public Hearing to order at 7:03 p.m. and read the legal notice published in the Elmira Star Gazette on October 17, 2006, to allow and consider public comments concerning the proposed Water District #3 Sing Sing Road Watermain Loop.

IN FAVOR: Tom Skebey, President of Town and Country Fire Department, stated that he and the Fire Chief had reviewed the plans and determined that with the elimination of the dead ends this would reduce the fire rating classification and increase water flow. The Fire Department is very supportive.

OPPOSITION: None

COMMENTS: Sheldon Hunt, 7 Pine Circle, asked what the projected reduction in insurance would be? Mr. Skebey explained the process for fire rating classification. Jimmie Joe Carl, representing MRB group, explained that he was not able to obtain a figure; however, was told that areas with fire hydrants installed in their area see a savings of \$20-30.00 for a typical home.

Since there were no further comments, the Public Hearing was closed at 7:38 p.m.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

OLD BUSINESS

Water District #3 Sing Sing Watermain Loop. This item was tabled until the November 8, 2006 meeting.

NEW BUSINESS

RESOLUTION NO. 260-06

DELINQUENT WATER DISTRICTS #1, #2, #3, AND #4 CUSTOMERS FOR INCLUSION
ON THE TAX ROLL APPROVED

Resolution by: Smith

Seconded by: Manchester

WHEREAS the Town Board has received a list of all delinquent water customers for Water Districts #1, #2, #3, and #4, dated October 20, 2006, and

WHEREAS said water customers have been notified that said delinquent bills must be paid by October 30, 2006, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board delegates authority, if necessary, to make changes to the proposed delinquent water customers list to the Account Clerk for the Water Department and the Water Systems Supervisor, and

FURTHER RESOLVED the Town Board authorizes the delinquent water customers list as of October 31, 2006 for Water Districts #1, #2, #3, and #4 be forwarded to the Chemung County Real Property Tax Services for inclusion on the 2007 tax bills.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland

NAYS: None

ABSENT: Fairbrother

Since there was no further business to come before the Water Board, Councilperson Manchester made a motion, seconded by Councilperson Frisbie to adjourn the meeting at 7:40 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

TOWN BOARD

Supervisor Balland called the Town Board meeting to order at 7:40 p.m.

PUBLIC HEARING 7:15 p.m. Preliminary Budget

Attorney Reed called the Public Hearing to order at 7:40 p.m. and read the legal notice published in the Elmira Star Gazette on October 17, 2006, to allow and consider public comments concerning the proposed preliminary budget and elected officials compensation.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 7:42 p.m.

PUBLIC HEARING 7:17 p.m. Ken's Service Center Special Use Permit

Attorney Reed called the Public Hearing to order at 7:42 p.m. and read the legal notice published in the Elmira Star Gazette on October 17, 2006, to allow and consider public comments concerning the proposed Special Use Permit request from Ken's Service Center to operate a motor vehicle filling station on Tax Parcel 66.02-2-61 located at 100 Canal Street.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 7:43 p.m.

PUBLIC HEARING 7:20 p.m. Milton Roy Gravel Expansion Special Use Permit

Attorney Reed called the Public Hearing to order at 7:43 p.m. and read the legal notice published in the Elmira Star Gazette on October 17, 2006, to allow and consider public comments concerning the proposed Special Use Permit request by Milton Roy Jr. to operate a soil mining operation at Tax Parcel 48.03-2-2.11 located at 660 Sing Sing Road.

IN FAVOR: Dorianne Riggs, 168 Barnes Hill Road, youngest daughter of applicant Milton Roy read a letter that explained that Mr. Roy moved to Sing Sing Road in the Town of Big Flats on April 1, 1940 when his parents purchased the Goodyear Farm. She continued by reviewing his history during the last several years and pointed out that while having a survey done of the pit area an elevation level used during the previous application process was incorrect. Therefore, an application amendment was required. The gravel pit area is under the glide slope for the airport and it is their plan to reclaim the property for a nine-hole golf course once the gravel is removed. Roger Rulewich a chief Golf Course Architect from The Roger Rulewich Group in Bernardston, MA has been hired to assist with the reclamation. Mrs. Riggs pointed out that the Roy family has worked with the Town of Big Flats and if a problem developed from the gravel pit that these issues were addressed. In conclusion, Mrs. Riggs stated that they will continue to work with the Town when there is a problem and requested the Town Board approve the special use permit so that they can continue their strategic plan.

OPPOSITION: None
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 7:48 p.m.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

REPORTS

Supervisor Balland reported the following:

- ✓ A week from Saturday a highway employee will be available from 8:30 a.m. to 12:30 a.m. to load mulch from the Kahler Road site to deplete the pile; therefore, if the Board had questions or comments, please see her prior to the end of this week;
- ✓ Meetings that have or will take place:
 - Proposed vacant structure law;
 - RAMS;
 - Senior Citizen workshop and next year she will be a member of the Office of Aging Advisory Board;
 - A reaccreditations of the group homes (Alpine Place and Hickory Grove Road); and
 - Chamber of Commerce leadership conference next week;
- ✓ The sewer district draft proposal will be submitted to the Town in the near future;
- ✓ The renovation for the Trooper space is continuing;
- ✓ A workshop is being considered with the Town Board and the members of the property maintenance committee;
- ✓ The road study survey is almost complete; and
- ✓ We are waiting for a proposal for the walking bridge project.

MINUTES

Councilperson Frisbie made a motion, seconded by Councilperson Smith, to approve the minutes of September 27, 2006 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Councilperson Manchester made a motion, seconded by Councilperson Smith, to approve the minutes of October 6, 2006 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Councilperson Frisbie made a motion, seconded by Councilperson Manchester, to approve the minutes of October 11, 2006 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

CONCERNS OF THE PEOPLE. None.

OLD BUSINESS

RESOLUTION NO. 261-06 2007 PRELIMINARY BUDGET APPROVED

Resolution by: Balland
Seconded by: Smith

WHEREAS the Town Supervisor has prepared the 2007 Preliminary Budget, and

WHEREAS a Public Hearing for said Preliminary Budget was duly held on October 25, 2006 at 7:15 p.m., and

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

RESOLUTION NO. 261-102506, 2007 PRELIMINARY BUDGET APPROVED continued

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED that the Town Board adopts the 2007 Budget as submitted on October 5, 2006, titled "Town of Big Flats 2007 Preliminary Budget".

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 262-06
KEN'S SERVICE CENTER SPECIAL USE PERMIT FOR TAX PARCEL 66.02-2-61
APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Planning Board has received an application for Site Plan approval from Ken Lorson for a Motor Vehicle Filling Station use on tax parcel #66.02-2-61, and

WHEREAS the property is located at 100 Canal Street in the Town Center (TC) District, and

WHEREAS pursuant to Chapter 17.12 of the Town Municipal Code a Motor Vehicle Filling Station is a permitted use with Site Plan approval by the Planning Board and Special Use Permit approval by the Town Board, and

WHEREAS the Planning Board has completed its review of the project and approved the plan subject to the following conditions:

- The applicant shall remove the 8'X 4' portable sign from the site.
- Failure of an applicant to comply with any conditions of approval for this approved Site Plan amendment shall make the approval null and void.

WHEREAS the Planning Board has determined the project to be an Unlisted Action and has completed the environmental review as the Lead Agency, finding no significant adverse environmental impact and issued a Negative Declaration, now

BE IT THEREFORE RESOLVED the Town Board approves the use of the parcel for Motor Vehicle Filling Station and hereby grants the Special Use Permit.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

RESOLUTION NO. 263-06

MILTON ROY GRAVEL EXPANSION SPECIAL USE PERMIT FOR TAX PARCEL 48.03-2-2.11 APPROVED

Resolution by: Balland

Seconded by: Frisbie

WHEREAS the Planning Board has received an application for Site Plan approval from Milton I. Roy, Jr., owner of tax parcel #48.03-2-2.11, for a soil mining operation as shown in documents received July 25, 2006, and

WHEREAS the property is located at 660 Sing Sing Road in the Airport Business Development (ABD) district, and

WHEREAS pursuant to Section 17.12.010 of the Big Flats Zoning Law, soil mining is a permitted use under Site Plan approval and Special Use Permit approval by the Town Board, and

WHEREAS the Planning Board has completed its review of the project and approved the plan subject to the following conditions:

1. Special Use Permit Approval—Failure of the applicant to obtain Special Permit approval from the Town Board shall cause any Site Plan approval to be null and void.
2. Noise and Permitted Days and Hours of Operation—Mining and mining related activities that by their nature create excessive noise shall occur only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday, with no activities on Sundays or legal holidays. There shall be no processing from 7:00 a.m. to 8:00 a.m.
3. NYSDEC Mining Permit Approvals—The applicant shall meet all of the conditions imposed by the Department of Environmental Conservation on the Mining Permit approval and issue of July 20, 2006 as a condition of any Site Plan approval given by the Planning Board.
4. Dust and Road Maintenance—Excessive dust created during the course of the mining operation shall be controlled by wetting or other acceptable method of dust control. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
5. Mine Reclamation—When such a time that the mine becomes obsolete, discontinued or abandoned, applicant and/or owner shall reclaim mined land areas according to the reclamation plan and map submitted to NYSDEC with the Gravel Mine Permit application (June 2005 and September 2005) in conformance to New York State Environmental Conservation Law and Town of Big Flats Zoning Law.
6. Modification—Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code.
7. Failure to Comply—Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render the Planning Board approval null and void upon the finding of such violation.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

RESOLUTION NO. 263-06, MILTON ROY GRAVEL EXPANSION SPECIAL USE PERMIT FOR TAX PARCEL 48.03-2-2.11 APPROVED continued

WHEREAS the Planning Board determined that this is a Type 1 action pursuant to SEQRA 6NYCRR Part 617.6, and DEC, as Lead Agency, issued a Negative Declaration dated March 29, 2006 based on its review of Part 1 of the Full Environmental Assessment Form for the mining permit, and issued its findings in a narrative dated March 29, 2006, and

WHEREAS the Planning Board adopted said findings pursuant to Resolution P60-2006 dated August 8, 2006, now

BE IT THEREFORE RESOLVED that the Town Board approves the use of the parcel for the Milton Roy mine permit renewal and expansion use and hereby grants the Special Use Permit.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 264-06
RESOLUTION NO. 245-06 AMENDMENT CORRECTING THE HIGHWAY FUND
BUDGET TRANSFER APPROVED

Resolution by: Frisbie
Seconded by: Smith

WHEREAS the Town Board approved Resolution No. 245-06 that authorized General Fund and Highway Fund budget transfers in order to meet current and upcoming expenses, and

WHEREAS the Highway Fund transfers were inaccurately recorded and require correction, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following Highway Fund transfer:

FROM:	Machinery	D5130.0400	\$22,974.00
	NYS Ret.	D9010.0800	\$10,000.00
	Social Security	D9030.0800	\$ 3,000.00
	Hosp. & Med Ins.	D9060.0800	\$18,000.00
TO:	General Repair	D5110.0400	\$ 3,000.00
	Improvements	D5112.0400	\$50,674.00
	Snow Removal	D5142.0400	\$ 300.00

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

NEW BUSINESS

RESOLUTION NO. 265-06
SENIOR ACTIVITIES ACCOUNT APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS the Town Board has been approached by Albert and Linda Redner as volunteers who coordinate the Town senior trip activities have requested authorization to establish a checking account for the purpose of handling the money for sanctioned senior activities, and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED the Town Board authorizes Albert and Linda Redner to establish an account with Chemung Canal Trust Company in the name of the Town of Big Flats for the purposes of accounting and financial transactions regarding the senior trip activities of the Big Flats Senior Citizen Committee.

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 266-06
CONTINGENCY AND TAX STABILIZATION RESERVE ACCOUNT APPROVED

Resolution by: Balland
Seconded by: Smith

WHEREAS General Municipal Law section 6-e authorizes the establishment and funding of a reserve account for the purposes of financing unanticipated revenue losses as well as unanticipated expenditures such as tax certiorari refunds pursuant to court order, and

WHEREAS the Town Board hereby declares the establishment of such account is in the public's interest and is part of sound fiscal planning for the Town, and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED pursuant to General Municipal Law section 6-e, it is hereby declared and directed that a contingency and tax stabilization reserve account be established for the Town and the funds deposited therein shall be invested in accordance with the law, and

FURTHER RESOLVED that since this resolution is subject to a permissive referendum pursuant to Article 7 of the Town Law, the Town Clerk is hereby authorized and directed to publish the necessary notices associated therewith, and

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

RESOLUTION NO. 266-06, CONTINGENCY AND TAX STABILIZATION RESERVE
ACCOUNT APPROVED continued

FURTHER RESOLVED the Town Board approves the following transfer of funds:

Decrease Appropriation	Judgment & Claims	A1930.0400	\$15,000.00
	Expenditure Control	A0522	\$15,000.00
Increase Liability	Accounts Payable – Contingency & Tax Stabilization Reserve.		
	A0600.0001		\$15,000.00

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 267-06
HIGHWAY BUDGET AMENDMENT APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Commissioner of Public Works has determined that a budget amendment is needed due to additional spending, and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED the Town Board approves the following Budget Amendment:

Decrease:	Fund Balance	D0909	\$100,000
Increase:	Appropriation	D0960	\$100,000
	General Repair	D5110.0400	\$65,000
	Machinery Equipment	D5130.0200	\$35,000

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

RESOLUTION NO. 268-06
WINTER T.A.F.F.Y. STAFF APPOINTMENT APPROVED

Resolution by: Balland
Seconded by: Frisbie

WHEREAS the Youth Commission had designated Winter T.A.F.F.Y. for September 29, 2006 through March 23, 2007 and recommended the appointment of Amanda Denkenberger, Casey Hutten, Kathleen Von Bevern, and Michael Swartz, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following as Winter T.A.F.F.Y. employees for September 29, 2006 through March 23, 2007 at the rate specified:

Amanda Denkenberger	369 Barnes Hill Road, HH	\$7.15/hour
Casey Hutten	57 Woodland Drive, BF	\$7.15/hour
Kathleen Von Bevern	51 Glendale Drive, HH	\$7.15/hour
Michael Swartz	10 Heritage Lane, HH	\$6.75/hour

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 269-06
ABSTRACT OF AUDITED VOUCHERS FOR OCTOBER 2006 APPROVED

Resolution by: Frisbie
Seconded by: Smith

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for October 2006, vouchers 4896 – 4993, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$55,304.49
HIGHWAY FUND	\$27,338.07
CAPITAL PROJECT #8	\$ 711.81
WATER DISTRICT #1	\$ 4,038.51
WATER DISTRICT #2	\$ 3,834.80
WATER DISTRICT #3	\$ 2,919.46
WATER DISTRICT #4	\$ 557.85
LIGHTING DISTRICT	\$ 691.87
TRUST & AGENCY	\$ 4,397.38

CARRIED: AYES: Frisbie, Manchester, Smith, Balland
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF OCTOBER 25, 2006

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Manchester, to enter into Executive Session immediately following the Town Board meeting to discuss potential disciplinary action regarding a particular person. All in favor, except Councilperson Fairbrother was absent. Motion carried.

CORRESPONDENCE

Shadowstand Properties Inc. PILOT Amendment/CCIDA. A letter was received from Chemung County Industrial Development Agency, dated October 13, 2006, informing the Town Board that an amendment to the Payment in Lieu of Tax Agreement had taken place with Shadowstand Properties, Inc.

NIMS Training/Big Flats Volunteer Fire Co., Inc. A copy of a letter written to Chemung County Emergency Management Office was received from Mike Ahrens, Chief of the Big Flats Volunteer Fire Co., Inc., dated October 17, 2006, listing all firefighters who have completed the NIMS training.

Town Haven Apartment False Alarms/BF Volunteer Fire Co., Inc. A copy of a letter written to Town Haven Associates was received from Candy Reynolds, Captain of the Big Flats Volunteer Fire Co., Inc., dated October 9, 2006, regarding the numerous false alarms and the lack of adequate keys for entering the building during fire emergencies.

2006 STAR Administrative Aid/NYS ORPS. A notice was received from New York State Office of Real Property Services, dated October 16, 2006, informing the Town of Big Flats that the local administration state aid for the STAR program is \$1.12 per application processed.

Meeting Minutes/STEG. A copy of the meeting minutes was received for the Southern Tier Economic Growth meeting of October 17, 2006.

Proposed Zoning Change Concerns/CC Agriculture & Farmland Protection Board. A letter was received from Walter Nelson, secretary for Chemung County Agriculture and Farmland Protection Board and Agriculture Issues Leader Cornell Extension, dated October 13, 2006, expressing concern about the removal of agriculture land by zoning changes that would disable farming.

Since there was no further business to come before the Board, they entered into Executive Session at 8:10 p.m. Supervisor Balland requested the presence of the Town Clerk. The Town Clerk was excused from Executive Session at 8:36 p.m.

Supervisor Balland reconvened the Town Board meeting at 9:23 p.m.

Since there was no further business to come before the Town Board, Councilperson Manchester made a motion, seconded by Councilperson Frisbie to adjourn the meeting at 9:23 p.m. All in favor, motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
Dean Frisbie
David Manchester
Clerk Teresa Dean

ABSENT: Council Michael Smith
Attorney Thomas Reed

Supervisor Balland called the Water Board workshop of November 8, 2006 to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 271-06

WATER DISTRICTS CAPITAL IMPROVEMENTS RESERVE BUDGET AND REPAIR
RESERVE TRANSFER APPROVED

Resolution by: Fairbrother

Seconded by: Frisbie

WHEREAS the Water Board established a Capital Reserve Fund for the general purpose of financing capital improvements involving the facilities and infrastructure of the Water System for Big Flats Water District #1 by adopting Resolution No. 315-03; Water District #2 by adopting Resolution No. 316-03, and

WHEREAS in Water District #1 and Water District #2 a repair reserve fund for the general purpose of anticipated and planned repairs for said Water Districts #1 and #2 infrastructure and facilities having been established by way of Resolution No. 226-79, and

WHEREAS in an ongoing effort to set aside monies for future capital and repair spending in the Water Districts have determined that a budget transfer is necessary, and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to complete the following budget transfer:

From:	Fund Balance	S10909	\$125,000
To:	Capital Improvement Reserve	S10878	\$100,000
	Repair Reserve Fund	S10882	\$25,000
From:	Fund Balance	S20909	\$75,000
To:	Capital Improvement Reserve	S20878	\$55,000
	Repair Reserve Fund	S20882	\$20,000

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland

NAYS: None

ABSENT: Smith

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

OLD BUSINESS

RESOLUTION NO. 272-06
WATER DISTRICT NO. 3 SING SING WATERMAIN LOOP IMPROVEMENTS
APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the necessary map, plan and report was duly presented to the Town with the attached thereto according to law, requesting that improvements to Water District No. 3, as hereinafter described, be established in the Town, and

WHEREAS the Water Board duly adopted Resolution No. 252-06 at its regularly scheduled meeting on October 11th, 2006, that recited in general terms the filing of said improvements; the improvements proposed and the estimated expenses associated therewith and that further specified October 25th, 2006 at 7:03 p.m. as the time, and the Town Hall in the Town of Big Flats as the place, where the Water Board would meet to consider a Resolution to approve the improvements of Water District No. 3 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Board on this 25th Day of October 2006, commencing at 7:03 p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS, the Town hereby determines upon review of the Short EAF, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Water Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA, now

BE IT THEREFORE RESOLVED AND DETERMINED, that the Notice of Hearing was published and posted as required by law, and is otherwise sufficient and it is in the public interest to grant in whole the proposal and have the improvements constructed, and

FURTHER RESOLVED the establishment of the proposed improvements to Water District No. 3, as proposed, be approved; that the improvements therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be improved as more fully set forth in the map, plan and report dated September 2006 entitled, "Conceptual Sing Sing Road Watermain Loop Improvements for Water District #3", Project #021102 prepared by MRB Group, a copy of which is on file with the Town Clerk, and

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

RESOLUTION NO. 272-06, WATER DISTRICT NO. 3 SING SING WATERMAIN LOOP IMPROVEMENTS APPROVED continued

FURTHER RESOLVED the proposed improvements, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed in accordance with Local Finance Law, and

FURTHER RESOLVED definite plans and construction documents are hereby authorized to be prepared and advertised for bid, subject to the review and approval by the Attorney for the Town.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

Since there was no further business to come before the Water Board, Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to adjourn the meeting at 4:34 p.m.

TOWN BOARD

Supervisor Balland called the Town Board meeting to order at 4:34 p.m.

REPORTS

The following reports for November 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance Report; SPCA Monthly Report; Agriculture & Markets Monthly Report; Parks Commission Meeting Minutes; Community Center Monthly Report; Assessor's Monthly Report; Department of Public Works Monthly Report.

NOTE: Attorney Reed arrived at 4:36 p.m.

PUBLIC HEARING 4:35 p.m. Local Law 12, 2006 – Moratorium
Outdoor Furnaces

Attorney Reed called the Public Hearing to order at 4:38 p.m. and read the legal notice published in the Elmira Star Gazette on October 31, 2006, to allow and consider public comments concerning the proposed Local Law 12, 2006, a Moratorium regarding the Construction, Installation, Permitting and Use of Outdoor Furnaces.

IN FAVOR: Karen Estep, 47 Owen Hollow Road, stated that she agrees with the local law and pointed out that after living in her house for 45 years she is familiar with wood burning stoves, campfires, and burn barrels around her house. She has neighbors who burn garbage, wet wood and tires. Ms. Estep stated that in residential or highly populated areas wood burning stoves could be a problem. In the hallows the smoke, soot and odors enter the homes and cause breathing and respiratory problems.

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

Supervisor Balland reported Anne Fields of 20 Livesay Road called to express her concern and that she was in favor of the moratorium.

Jane King, 15 Kelly Drive, stated she was in favor of a moratorium and that when she goes outside in the evenings she is overcome by the smoke from the woodstoves and fireplaces from her neighborhood. Mrs. King stated that she is aware that the contamination and dirt from these and the outdoor wood burning stoves is not something someone with open-heart surgery or a history of heart attacks should be ingesting.

OPPOSITION: Donald Gaylord, 316 Reasor Hollow Road, stated that he has a wood-burning stove and he does agree that there are some stoves that do smoke. However, there are several outdoor wood burning furnaces that do not smoke as much as wood burning stoves. He further invited that Town Board to take a tour with him to look at these wood-burning furnaces.

Bruce Roy, Millerton Pennsylvania, stated that he has been a dealer of these furnaces since 1992 and the concerns raised are not new; however, there are Towns who have regulated and alleviated the nuisance odor and smoke. By adopting the moratorium it would be against peoples rights and eliminate someone's ability to do something about rising heating costs for this year. Mr. Roy stated there is information and guidelines regulating the installation of these furnaces.

COMMENTS: Bill Torp, Town Assessor, pointed out that his office has regularly made referrals to HEAP for assistance.

Judy Zimmerman, 29 Churchill Place, stated that it is regrettable that it has taken the Town Board this long to get to this point and felt it would not be responsible of the Town to not look into the various requirements for installation.

Since there were no further comments, the Public Hearing was closed at 4:45 p.m.

The following letters were received regarding comments for the proposed moratorium:

- ❖ A copy of a letter written to Ms. Lois Wilson, Editor of the Star Gazette, from Warren Walbor, President and CEO of Hawken Energy, Inc., dated November 3, 2006, was received.
- ❖ A letter from Philip H. Gitlen of Whiteman Osterman and Hanne LLP, dated November 7, 2006, was received.
- ❖ An email was received from David McDonald of Central Boiler Inc., dated November 8, 2006.

REPORTS continued.

Supervisor Balland provided the following reports:

- ✓ A request has been made by Mr. Ken Lorson requesting a meeting with the Town Board;
- ✓ There is a personnel issue at the Community Center that will be discussed during an Executive Session;
- ✓ Funding has been requested for the proposed water and sewer district projects; and
- ✓ An article was published in the Star Gazette regarding shared services and to date these discussions are only preliminary and nothing is in writing.

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

Councilperson Manchester stated that he along with Councilperson Frisbie and Maureen Harding conducted interviews for the secretary and Building Inspector positions.

Councilperson Fairbrother explained that MRB Group is in the process of preparing a new proposal for the Whitney Park project and a meeting will be scheduled for the beginning of the week of Thanksgiving.

Supervisor Balland also reported the following:

- ✓ The meetings for the remainder of 2006 are as follows:
 - November 29, 2006 at 4:30 p.m.; December 13, 2006 at 4:30 p.m. and December 27, 2006 at 4:30 p.m.
- ✓ A special meeting is being proposed for November 18, 2006 at 1:00 p.m. for the purposes of discussing the aquifer overlay district; and
- ✓ The proposed police headquarters project is continuing and it is anticipated that the office will be open December 1, 2006.

CONCERNS OF THE PEOPLE

Clyde Callahan, 240 Hibbard Road, expressed concern that Cuthrie Run may damage his property due to the erosion. In 1972 a new bridge was installed on Hibbard Road and since then concrete has been placed along the banks of Cuthrie Run; however, it appears that the area is being rearranged and getting worse. He requested that the Town consider alleviating these concerns and possibly consulting with Chemung County Soil and Water Conservation District. Supervisor Balland requested the Commissioner of Public Works review this concern and provide a report to the Town Board by the end of December.

Councilperson Fairbrother stated a resident of Southport contacted him to express her agreement with a wood burning furnace local law and he also congratulated Christopher Friend for his favorable election to Chemung County Legislator.

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

OLD BUSINESS

RESOLUTION NO. 273-06

LOCAL LAW 12, 2006, A MORATORIUM REGARDING CONSTRUCTION,
INSTALLATION, PERMITTING AND USE OF OUTDOOR FURNACES APPROVED

Resolution by: Fairbrother

Seconded by: Frisbie

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with outdoor furnaces, and

WHEREAS a Public Hearing was duly advertised in the Elmira Star Gazette and held on November 8, 2006 and which public input has been thoroughly and extensively included in the Town's legislative processes in drafting the accompanying proposed local law, now

BE IT THEREFORE RESOLVED the Town Board hereby adopts Local Law No. 12 of 2006 titled "A Moratorium regarding the Construction, Installation, Permitting and Use of Outdoor Furnaces in the Town of Big Flats", and

FURTHER RESOLVED this Local Law shall take effect immediately following filing with the New York State Department of State.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

RESOLUTION NO. 274-06

CONSIDERATION OF A LETTER OF PETITION FOR REZONING THE BUSINESS
NEIGHBORHOOD 2 ZONING DISTRICT BY DANIEL ZENKER DRIVE GROUP, ET. EL.
WITHIN THE BUSINESS NEIGHBORHOOD 2 (BN2) DISTRICT APPROVED

Resolution by: Balland

Seconded by: Manchester

WHEREAS on August 18, 2006, a group of property owners within the Business Neighborhood 2 (BN2) District along Daniel Zenker Drive and within said district submitted a petition to the Town of Big Flats Town Board pursuant to Section 17.68.030 *Petition by Owners of Fifty Percent Frontage* in the Town of Big Flats Municipal Zoning Code states:

Wherever the owners of lots having fifty (50) percent of the total cumulative road frontage in a district or a part thereof shall present a petition duly signed and acknowledged to the town board and requesting an amendment, supplement, change or repeal of the requirements prescribed for such district or part thereof, it shall be the duty of the town board to vote upon the petition within ninety (90) days after filing of the same by the petitioners with the Town Clerk.

WHEREAS under the Temporary Land Use Control Law enacted by the Town Board (LOCAL LAW NO. 1, 2006) which concluded on August 11, 2006, it was recognized that making the transportation and land use connection is critical in guiding future land use decisions in the Town so that residents can live in a quality community, and

WHEREAS members of the zoning & planning advisory task group convened for the purposes of completing the comprehensive plan and zoning revisions within the time frame so stated within the Temporary Land Use Control Law enacted by the town (LOCAL LAW NO. 1, 2006) have reviewed a similar request predating the said petition, and

WHEREAS the Town Board has received a Staff Planning Report dated October 19, 2006 evaluating the proposed expanded list of uses within the Business Neighborhood 2 (BN2) District as outlined in the petition letter dated August 15, 2006 requesting amendment to said district, and

WHEREAS the following findings have been made pursuant to the requested amendments to the Business Neighborhood 2 (BN2) District by property owners along Daniel Zenker Drive and within said district:

1. The proposed expanded list of uses within the *Business Neighborhood 2(BN2) District* is contrary to the spirit and intent of the *Town of Big Flats Zoning Law* Title 17 (1997, amended 1998, 2003) in that its intent “warrants the exclusion of certain principal uses that are currently permitted in the ABD and other Districts in the town...the District is created to accommodate certain of the principal uses that may be compatible with the surrounding residential uses while recognizing the uniqueness of the District’ s location with regard to the ABD District and NYS Route 17 (soon to be Interstate 86).”

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

RESOLUTION NO. 274-06, PETITION FOR REZONING continued

2. The proposed expanded list of uses within the Business Neighborhood 2 District is contrary to the spirit and intent of the *Town of Big Flats Comprehensive Master Plan Update (July 2006)* in that the proposal:
- Induces commercial development that is not complementary to the rural residential neighborhood character; and therefore, does not concur with the Comprehensive Plan's highest priority and number one goal;
 - Promotes sprawling development patterns contrary to the goal and objective within the Town's *Comprehensive Master Plan Update (July 2006)* to promote infill development in those areas already served by sewer and water;
 - Does not encourage future development that minimizes negative impacts on natural resources, infrastructure, and neighboring uses in order to safeguard the health, safety and welfare of the community and encourages high impact uses that have the greatest potential for adverse environmental impact through either storm water runoff or leaching hazardous/toxic wastes into the Town's drinking water supply;
 - Does not promote the reuse of vacant commercial buildings as it promotes expanded commercial development outside of targeted growth areas already served by infrastructure as well as induces indirect and secondary development without adequate facilities and infrastructure in place;
 - Protects the status quo of sprawling development patterns whereby the Town would bear burdens of potentially adverse environmental and fiscal impacts that have resulted in development that is not predictable or fair by current development standards or the precise symptoms that the Moratorium was enacted to correct by exploring solutions;
 - Would result in induced development and traffic volumes on local and regional roadways by allowing higher impact uses (travel would occur between Exit 51 and Exit 49 thereby increasing traffic volumes on I-86 between these two exits);
 - Would result in the greatest potential for commercial buildings to become vacant in strategically targeted growth areas already served by infrastructure as a result of *undeveloped* areas of the Town becoming exploited for *regional* commercial uses; and
 - The petitioner's request constitutes a proposal that is not representative nor benefits the local populace whose Town wide vision for the Town's health, safety and welfare is evidenced by the extensive public involvement processes which resulted in the *Town of Big Flats Comprehensive Master Plan Update (July 2006)*.

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and no further action is required regarding the same, now

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats hereby denies the petitioner's request for an amendment to the Town of Big Flats Zoning Law for expanded uses within the Business Neighborhood 2 (BN2) District.

CARRIED: AYES: Manchester, Fairbrother, Balland

NAYS: Frisbie

ABSENT: Smith

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

RESOLUTION NO. 275-06

PERFORMANCE BOND RELEASE TO OWEGO CONTRACTING COMPANY, INC. APPROVED

Resolution by: Fairbrother

Seconded by: Frisbie

WHEREAS a timber harvesting application has been received from Richard and Nancy Long to permit Owego Contracting Co., Inc. to harvest approximately 34,000 board feet of timber from 20 acres of their land, Tax Parcel 46.00-3-44.3, and

WHEREAS the Town Board duly approved said request by adopting Resolution No. 266-05, and

WHEREAS said timber harvesting has been completed and an inspection was performed by William Haner – Code Enforcement Officer for the Town of Big Flats, and

WHEREAS for environmental purposes this is a Type II action in accordance with SEQRA, now

BE IT THEREFORE RESOLVED the Town Board authorizes the release of the performance bond in the amount of Six Hundred Dollars (\$600.00) to Owego Contracting Co., Inc.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland

NAYS: None

ABSENT: Smith

RESOLUTION NO. 276-06

PERFORMANCE BOND RELEASE TO LONG LOGGING APPROVED

Resolution by: Manchester

Seconded by: Frisbie

WHEREAS a timber harvesting application has been received from Smithome Farm L. P. to permit Long Logging to harvest approximately 45,000 board feet of timber from 10 acres of their land, Tax Parcel 86.00-1-8.3, and

WHEREAS the Town Board duly approved said request by adopting Resolution No. 78-05, and

WHEREAS said timber harvesting has been completed and an inspection was performed by William Haner – Code Enforcement Officer for the Town of Big Flats, and

WHEREAS for environmental purposes this is a Type II action in accordance with SEQRA, now

BE IT THEREFORE RESOLVED the Town Board authorizes the release of the performance bond in the amount of Three Hundred Dollars (\$300.00) to Long Logging.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland

NAYS: None

ABSENT: Smith

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

RESOLUTION NO. 277-06
SPEED LIMIT INVESTIGATION FOR CHAMBERS ROAD APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS Town residents have submitted a petition requesting a reduction of the speed limit on Chambers Road, and

WHEREAS the Town Board determines the speed limit investigation request to be adequate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation of Chambers Road between Sing Sing Road and Brown Road.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION 278-06
PART-TIME BUILDING INSPECTOR/CEO ASSISTANT APPROVED

Resolution by: Manchester
Seconded by: Frisbie

WHEREAS the Town Board has recognized a need for increased enforcement of the property maintenance and building codes, and

WHEREAS said enforcement will require additional personnel for a part-time position not-to-exceed 20 hours per week, and

WHEREAS the Code Enforcement Department recommends the appointment of Thomas J. Swartout who is certified as a Code Enforcement Officer in New York State, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

RESOLUTION 278-06, PART-TIME BUILDING INSPECTOR/CEO ASSISTANT
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board accepts the recommendation of the Code Enforcement Department and hereby appoints Thomas J. Swartout, 3938 Wyncoop Creek Road, VanEtten to the position of Part Time Building Inspector/Code Enforcement Officer Assistant, effective November 13, 2006, at the rate of \$15.00 per hour not-to-exceed 20 hours per week, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate report of Personnel Change and Extended Payroll Certificate ("RPC") for this hiring.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

RESOLUTION NO. 279-06
SPECIAL TOWN BOARD MEETING OF NOVEMBER 18, 2006 APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE the Town Board sets a Special Meeting for Saturday, November 18, 2006 at 1:00 p.m. for the purpose of reviewing the proposed aquifer overlay protection district local law.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Balland
NAYS: None ABSENT: Smith

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Manchester, to enter into Executive Session immediately following the Town Board meeting to discuss a pay issue and potential disciplinary action. All in favor, except Councilperson Smith was absent. Motion carried.

CORRESPONDENCE

Notice of Election for 2007 Budget/Chemung County Library District. A notice was received from the Board of Trustees of the Chemung County Library District informing the Town Board of a notice of election regarding the approval and expenditure of 2007 Chemung County Library District budget.

Public Hearing Notice/Town of Caton. A notice was received from the Town of Caton informing the Town Board of their intent to hold a public hearing regarding the proposed zoning law revisions to amend the regulation of mobile homes.

Grant Funding/NYS Department of State. A letter was received from Christopher Jacobs, Secretary for the Department of State, dated October 18, 2006, informing the Town Supervisor that the Local Waterfront Revitalization Program provided \$10,000.00 funding for the Intermunicipal Visioning and Planning for Chemung River Development project.

MINUTES OF TOWN BOARD WORKSHOP OF NOVEMBER 8, 2006

Grant Award Participatory Process/Cornell Cooperative Extension of Chemung County. A memo was received from Linda Couchon and Mike Hastrich of Cornell University Cooperative Extension of Chemung County, dated October 26, 2006, informing the Town Supervisor of their award of grant money for the process of creating an architectural/engineering plan for river development projects, a greenway compact and some tangible non-construction projects.

Speed Limit Amendment for County Route 64/NYSDOT. A copy of a letter from Gary Funk, dated October 24, 2006, to Gary Grey, Traffic Supervisor, was received indicating the investigation completion of the request for a speed limit reduction on County Route 64 from Welles Bridge eastward to Fisherville Road. As a result of the investigation it has been determined an amendment will be submitted to the existing order to extend the existing 45 MPH speed zone to the intersection of County Route 64 and Fisherville Road.

Water System and Tax Concerns/D. Kimble. A letter was received from Donald Kimble of 242 Leisure Lane, dated October 26, 2006, expressing concern that rather than the taxpayers paying for the water district extension the Town should seek grants.

Grant Funding/NYSDOT. A letter was received from Brent Rauber, Municipal Projects Coordinator for the New York State Department of Transportation, dated November 1, 2006, informing the Town Board the grant for the Town Center sidewalks and beautification was not funded.

The Town Board entered into Executives Session at 5:25 p.m.

Supervisor Balland reconvened the Town Board meeting at 6:25 p.m.

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie to adjourn the meeting at 6:26 p.m. All in favor, except Councilperson Smith was absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

SPECIAL TOWN BOARD MEETING OF NOVEMBER 21, 2006

PRESENT: Supervisor Mary Ann Balland
 Council Edward Fairbrother
 David Manchester
 Mike Smith
 Clerk Teresa Dean

ABSENT: Council Dean Frisbie
 Attorney Thomas W. Reed II

Supervisor Balland called the Special Town Board meeting to order at 10:15 a.m.

RESOLUTION NO. 280-06
2001 GMC JIMMY TOWN VEHICLE PURCHASE APPROVED

Resolution by: Balland
Seconded by: Smith

WHEREAS the Town Board has determined that a Town vehicle is needed for daily activities/errands and inspections, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase of a 2001 GMC Jimmy SLE, 4 door, serial #1GKDT13W812106527 sports utility vehicle to be used as a Town vehicle from Simmons Rockwell at a cost not-to-exceed Seven Thousand Four Hundred Thirty Dollars (\$7,430.00), and

FURTHER RESOLVED the Town Board authorizes a prepayment for said purchase.

CARRIED: AYES: Fairbrother, Manchester, Smith, Balland
 NAYS: None ABSENT: Frisbie

RESOLUTION NO. 281-06
2006 DODGE STRATUS TOWN VEHICLE PURCHASE APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board has determined that a Town vehicle is needed for daily activities/errands and inspections, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

SPECIAL TOWN BOARD MEETING OF NOVEMBER 21, 2006

RESOLUTION NO. 281-06, 2006 DODGE STRATUS TOWN VEHICLE PURCHASE
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase of a 2006 Dodge Stratus SXT, 4 door, serial #133EL46XX6N244597 vehicle to be used as a Town vehicle from Simmons Rockwell at a cost not-to-exceed Nine Thousand Eight Hundred Thirty Dollars (\$9,830.00), and

FURTHER RESOLVED the Town Board authorizes a prepayment for said purchase.

CARRIED: AYES: Fairbrother, Manchester, Smith, Balland
NAYS: None ABSENT: Frisbie

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the meeting at 10:19 a.m. All in favor, except Councilperson Frisbie was absent. Motion carried.

Supervisor Balland called the Special Town Board meeting to order at 10:20 a.m. and explained that there were two additional items.

RESOLUTION NO. 282-06
INTERIM PLANNING BOARD/ZONING BOARD OF APPEALS SECRETARY APPROVED

Resolution by: Smith
Seconded by: Fairbrother

WHEREAS the Town Board has determined that an interim Planning Board/Zoning Board of Appeals secretary is necessary, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Sheree McGannon as Interim Planning Board/Zoning Board of Appeals Secretary at the rate of 1.5 times her hourly rate set for Deputy Town Clerk, per meeting.

CARRIED: AYES: Fairbrother, Manchester, Smith, Balland
NAYS: None ABSENT: Frisbie

SPECIAL TOWN BOARD MEETING OF NOVEMBER 21, 2006

RESOLUTION NO. 283-06
INTERIM SECRETARY FOR THE PLANNING, BUILDING AND CODE ENFORCEMENT
OFFICE APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Board has determined that an interim secretary for the Planning, Building and Code Enforcement office is necessary, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Grace Hagar as Interim Secretary for Planning, Building and Code Enforcement office at the rate of \$8.12 per hour.

CARRIED: AYES: Fairbrother, Manchester, Smith, Balland
NAYS: None ABSENT: Frisbie

Since there was no further business to come before the Board, the meeting was adjourned at 10:28 p.m.

Date approved: _____

Teresa M. Dean, RMC/CMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 29, 2006

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
David Manchester
Clerk Teresa Dean

ABSENT: Council Dean Frisbie
Michael Smith
Attorney Thomas Reed

Supervisor Balland called the Town Board meeting of November 29, 2006 to order at 4:30 p.m. and requested participation in the Pledge of Allegiance. Supervisor Balland explained that the Attorney will not be present due to a death in the family, Councilperson Frisbie is excused and Councilperson Smith is not present.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to approve the minutes of October 25, 2006 as presented. All in favor, except Councilperson Frisbie and Smith were absent. Motion carried.

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to approve the minutes of November 8, 2006 as presented. All in favor, except Councilperson Frisbie and Smith were absent. Motion carried.

Councilperson Fairbrother made a motion, seconded by Supervisor Balland, to approve the minutes of November 21, 2006 as presented. All in favor, except Councilperson Frisbie and Smith were absent. Motion carried.

REPORTS.

Supervisor Balland reported that a meeting was held with representatives of the County and other municipalities to discuss shared services for the highway department. A proposed agreement has been provided and the next meeting will be January 3, 2007.

CONCERNS OF THE PEOPLE

Don Kloeber, 54 Antler Road, thanked the Town Supervisor, Town Board, Mark Watts of Chemung County Soil and Water Conservation District, Larry Wager and Don Gaylord for making the 50/50 stream maintenance program a reality for Antler Road residents along Cuthrie Run Creek.

Supervisor Balland also reported Ken Lorson has requested a meeting with the Town Board to discuss his project. The consensus of the Town Board was that Councilperson Frisbie and Smith should be encouraged to meet with Mr. Lorson. The Chairman of the Community Center Board, Vicie Rollins, would like to discuss item 3 of the proposed Community Center Board guidelines submitted by Councilperson Fairbrother.

Councilperson Fairbrother stated that during the organizational meeting the Town Board should schedule 5-7 community district meetings.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 29, 2006

Councilperson Manchester stated that the organizational meeting would have a proposed resolution dealing with intermunicipal agreements. He also reported that on December 13, 2006 three proposed resolution would be presented to hire a full-time Code Enforcement Officer, a full-time Code Enforcement Trainee and a full-time secretary. Supervisor Balland stated a fee schedule is available from the Town of Horseheads that reflects proposed fire inspection fees for commercial buildings.

Supervisor Balland also reported that she attended the Ernie Davis lounge opening; December 13, 2006 the proposed aquifer overlay district local law would be presented to the Town Board, and the next local law would be ridgeline protection.

NEW BUSINESS

BOAR Appointment. This item was tabled until the December 13, 2006 Town Board meeting.

RESOLUTION NO. 284-06

BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE APPROVED

Resolution by: Manchester

Seconded by: Fairbrother

WHEREAS the Big Flats American Legion submitted an application for a Games of Chance License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS a Findings and Determination for Games of Chance License was reviewed and found the designated members conducting games of chance are of good moral character, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Application for a Games of Chance License, dated November 3, 2006, from the Big Flats American Legion Post 1612 to perform games of chance events as outlined in the application.

CARRIED: AYES: Manchester, Fairbrother, Balland

NAYS: None

ABSENT: Frisbie, Smith

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 29, 2006

RESOLUTION NO. 285-06
BIG FLATS AMERICAN LEGION BINGO LICENSE APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Big Flats American Legion submitted an application for a Bingo License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for a Bingo License, and

WHEREAS a Findings and Determination for Games of Chance License was reviewed and found the designated members conducting games of chance are of good moral character, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Application for a Bingo License, dated November 3, 2006, from the Big Flats American Legion Post 1612 to perform bingo events as outlined in the application.

CARRIED: AYES: Manchester, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Smith

Recorder Workstation Proposal. This item was tabled so that further research could be conducted.

RESOLUTION NO. 286-06
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS the Town Board has determined a budget transfer is required, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 29, 2006

RESOLUTION NO. 286-06, GENERAL FUND BUDGET TRANSFER continued

BE IT THEREFORE RESOLVED the Town Board approves the following budget transfer:

FROM:	Hospital and Dental	A9060.0800	\$28,600.00
TO:	Supervisor	A1220.0100	\$4,000.00
	Planning	A8020.0400	\$1,000.00
	Building Inspector	A8021.0100	\$3,000.00
	Building Inspector	A8021.0400	\$3,000.00
	Drainage	A8540.0401	\$17,600.00
	(50/50 Stab Contractual)		

CARRIED: AYES: Manchester, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Smith

RESOLUTION NO. 287-06
ABSTRACT OF AUDITED VOUCHERS FOR NOVEMBER 2006 APPROVED

Resolution by: Balland
Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for November 2006, vouchers 4994 – 5103, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$120,091.81
HIGHWAY FUND	\$ 59,063.19
CAPITAL PROJECT #8	\$ 640.00
WATER DISTRICT #1	\$ 22,394.30
WATER DISTRICT #2	\$ 10,512.88
WATER DISTRICT #3	\$ 3,678.10
WATER DISTRICT #4	\$ 796.19
LIGHTING DISTRICT	\$ 752.67
TRUST & AGENCY	\$ 2,741.63

CARRIED: AYES: Manchester, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Smith

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 29, 2006

RESOLUTION NO. 288-06
MAILING PERMIT APPLICATION AND CUSTOMER PROFILE APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS the Town Supervisor has determined that a mailing permit is necessary for the purposes of mailing The “New” Big Flats Times, and

WHEREAS after reviewing the application and process, it is in the best interest of the Town to apply for said permit, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to complete the Mailing Permit Application and Customer Profile for the processing of a mailing permit, and

FURTHER RESOLVED the Town Board authorizes a prepayment to the United States Postal Service for the application, annual and permit imprint fees at a cost not-to-exceed \$320.00.

CARRIED: AYES: Manchester, Fairbrother, Balland
NAYS: None ABSENT: Frisbie, Smith

CORRESPONDENCE

Liquor License Renewal/J. Powers – Harris Hill Inn. A letter was received on November 14, 2006 from John Powers of Harris Hill Inn informing the Town of his intention of renewing their liquor license.

Grant Proposal/NYS Office of Parks, Recreation & Historic Preservation. A letter was received from Kevin Burns, Chief of Grants for New York State Office of Parks, Recreation and Historic Preservation, dated October 20, 2006, informing the Town Supervisor that the application submitted for the Whitney Park property development was not selected for funding.

Flag Project/M. Nicolo. A letter was received from Mike Nicolo, dated November 16, 2006, clarifying his understanding of the organization responsible for commencing the project, money for purchasing the flags, size of the flags and purchase of banners for the American Flag project.

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Manchester to adjourn the meeting at 4:45 p.m. All in favor, except Councilperson Frisbie and Smith were absent. Motion carried.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF THE TOWN BOARD OF DECEMBER 13, 2006

PRESENT: Supervisor Mary Ann Balland
Council Edward Fairbrother
Dean Frisbie
David Manchester
Michael Smith
Attorney Thomas Reed
Clerk Teresa Dean

Supervisor Balland called the Town Board meeting of December 13, 2006 to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

REPORTS

The following reports for December 2006 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance Report; SPCA Monthly Report; Agriculture & Markets Monthly Report; Parks Commission Meeting Minutes; Community Center Monthly Report; Assessor's Monthly Report; Department of Public Works Monthly Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Office Reports.

Supervisor Balland reported that she provided the wrong information at the Parks Commission meeting relative to Community Days, Inc. chairperson. Kathy Shoemaker and Mark Gould are co-chairpersons for 2007.

Supervisor Balland provided the following reports:

- State police renovation project continues;
- January 16, 2007 RAMS will hold a meeting to discuss shared services;
- There will be approximately 15 trees removed from the right-of-way along Hillview Drive;
- A meeting was held to discuss whether or not the Town of Big Flats and Town of Horseheads should enter into a joint contract to obtain assessments of commercial property along County Route 64;
- A meeting is being scheduled with Mr. Lorson regarding his loan application;
- She attended the Community Center Board meeting;
- Maureen is working on a proposal to permit the Zoning Board of Appeals to appoint an alternate member;
- Councilpersons Fairbrother and Smith are working on selecting a 2006 Citizen of the Year;
- Jim Ormiston asked if the Town Board was considering adopting a troop. The consensus was that this project should be presented to the Big Flats American Legion;
- An article regarding the moratorium on wood burning furnaces will appear in the next Town newsletter;
- A proposal for a public hearing regarding the Aquifer Overlay is on the agenda and the future agendas will have special use permit and ridgeline proposals; and
- The new Town Christmas tree was installed.

MINUTES OF THE TOWN BOARD OF DECEMBER 13, 2006

Councilperson Manchester reported that he is in the process of evaluating a proposal replacing sick time with short-term disability insurance. He is also looking at long-term disability insurance that employees would have the option to participate.

Councilperson Fairbrother stated that a second proposal has been received for the engineering of a grading plan for Whitney Park.

Councilperson Manchester stated there is no further information relative to Time Warner Cable and the Town may have to resubmit the overlay request.

Councilperson Smith stated the Parks Commission commended the park sign along NYS Route 352 and also the parking lot. However, there are some repairs needed at Community Park and they are requesting that these items be fixed prior to the Spring season.

CONCERNS OF THE PEOPLE

Councilperson Fairbrother reported that he received a call from the Haupt household on Palisades Boulevard thanking the Town for their repair of the mailbox area in front of their house.

OLD BUSINESS

RESOLUTION NO. 289-06 PROPOSED AQUIFER OVERLAY LOCAL LAW 7 OF 2006 PUBLIC HEARING APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with an aquifer overlay protection district, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on December 27, 2006 at 4:32 p.m. to hear comments regarding proposed Local Law No. 7 of 2006, a Local Law of the Town of Big Flats regarding Aquifer Overlay Protection District.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

NEW BUSINESS

MINUTES OF THE TOWN BOARD OF DECEMBER 13, 2006

RESOLUTION NO. 290-06
APPOINTMENT OF THOMAS J. SWARTOUT AS A BUILDING INSPECTOR/CODE
ENFORCEMENT OFFICER APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS the Town Board has recognized a need for increased enforcement of the property maintenance and building codes, and

WHEREAS the Department of Planning, Code and Building Inspection recommends Thomas J. Swartout who is certified as a Code Enforcement Officer in New York State be hired as a full-time employee, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the recommendation of the Code Enforcement Department and hereby appoints Thomas J. Swartout, 3938 Wyncoop Creek Road, VanEtten for the position of Building Inspector and Code Enforcement Officer, effective December 29, 2006, as a probationary appointment for 36 weeks to said position consistent with Civil Service Law and subject to satisfactory completion of a duly authorized background check, and

FURTHER RESOLVED that Mr. Swartout shall be paid \$32,000 per year, receive full Town benefits and be entitled to the benefits of and subject to the terms and conditions of the Town Employee Handbook, as amended, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate Report of Personnel Change and Extended Payroll Certificate ("RPC") for this hiring.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF THE TOWN BOARD OF DECEMBER 13, 2006

RESOLUTION 291-06
APPOINTMENT OF DARLENE BARNES AS A BUILDING INSPECTOR/CODE
ENFORCEMENT OFFICER APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Town Board has recognized a need for increased enforcement of the property maintenance and building codes, a need for increased staff to meet the demand for building and fire inspections, the MS4 program, and

WHEREAS the Department of Planning, Code and Building Inspection recommends the hiring of Darlene Barnes as a Building Inspector and Code Enforcement Officer, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the recommendation of the Department of Planning, Code and Building Inspection and hereby appoints Darlene Barnes, 105 Hanlon Drive, Odessa for the position of Building Inspector and Code Enforcement Officer, as a provisional appointment to said position consistent with Civil Service Law and subject to satisfactory completion of a duly authorized background check, and

FURTHER RESOLVED that Ms. Barnes shall be paid \$26,000.00 per year, receive full Town benefits and be entitled to the benefits of and subject to the terms and conditions of the Town Employee Handbook, as amended, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate report of Personnel Change and Extended Payroll Certificate ("RPC") for this hiring.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF THE TOWN BOARD OF DECEMBER 13, 2006

RESOLUTION 292-06

CREATION OF THE POSITION OF SECRETARY 1 TO THE DEPARTMENT OF
PLANNING, CODE, BUILDING INSPECTION, PLANNING BOARD AND ZONING
BOARD OF APPEALS AND APPOINTMENT OF BRENDA BELMONTE APPROVED

Resolution by: Manchester

Seconded by: Fairbrother

WHEREAS the Town Board has recognized the need for a professional administrative secretary within the Department of Planning, Code and Building Inspection, and

WHEREAS the Town Board has recognized the need for a secretary for both the Planning Board and Zoning Board of Appeals in addition to duties in the Department of Planning, Code and Building Inspection, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board creates the position of Secretary 1 for both the Planning Board and Zoning Board of Appeals in addition to duties in the Department of Planning, Code and Building Inspection, and

FURTHER RESOLVED accepts the recommendation of the Department of Planning, Code and Building Inspection and hereby appoints Brenda Belmonte, 97 Golden Glow Drive, Elmira for the position of Secretary I to the Department of Planning, Code Enforcement and Building Inspection, in addition to duties for both the Planning Board and Zoning Board of Appeals, effective December 29, 2006, as a probationary appointment for 36 weeks to said position consistent with Civil Service Law and subject to satisfactory completion of a duly authorized background check, and

FURTHER RESOLVED that Ms. Belmonte shall be paid \$25,000 per year, receive full Town benefits and be entitled to the benefits of and subject to the terms and conditions of the Town Employee Handbook, as amended, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate report of Personnel Change and Extended Payroll Certificate ("RPC") for this hiring.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF THE TOWN BOARD OF DECEMBER 13, 2006

RESOLUTION NO. 293-06

APPOINTMENT OF HEMAN FOWLER / ASSESSMENT BOARD OF REVIEW APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS William Lewis resigned as a member of the Board of Assessment Review effective September 30, 2006, and

WHEREAS Mr. Heman Fowler has expressed interest to said Board and the Board of Assessment Review has recommended Mr. Fowler be appointed, and

WHEREAS the administration and management of Town personnel is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Heman Fowler, 21 Hammond Street, Big Flats to the Board of Assessment Review to fulfill the unexpired term of William Lewis with a term ending September 30, 2007.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

RESOLUTION NO. 294-06

AGREEMENT WITH TEITSCH-KENT-FAY ARCHITECTS TO PROVIDE ENGINEERING SERVICES FOR TOWN HALL RENOVATIONS APPROVED

Resolution by: Fairbrother

Seconded by: Manchester

WHEREAS the Town Board recognizes the need for Town Hall additions / renovations and funding was secured for the complex renovations which included Town Hall renovations, and

WHEREAS a proposal was received from Teitsch-Kent-Fay Architects identifying the scope of services to provide such engineering at an hourly cost with a total not to exceed \$5,000.00, and

WHEREAS for environmental review, engineering studies are a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (21) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Teitsch-Kent-Faye Architects for the purpose of preparing schematic drawings and a preliminary cost estimate required to clearly define the scope of renovations to the Town Hall at an hourly cost, with a not to exceed total of \$5,000.00, per letter dated December 6, 2006.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland NAYS: None

MINUTES OF THE TOWN BOARD OF DECEMBER 13, 2006

RESOLUTION NO. 295-06
ORGANIZATIONAL MEETING JANUARY 3, 2007 AT 4:30 P.M. APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS the Town Board has selected a date and time for the Town of Big Flats Organizational Meeting, and

WHEREAS this is a ministerial action and for environmental purposes is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(19) and as such no further review is necessary;

BE IT THEREFORE RESOLVED that the Town Board sets the Organizational Meeting for Wednesday, January 3, 2007 at 4:30 p.m.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 296-06
PROPOSED ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE
UNIFORM FIRE PREVENTION AND BUILDING CODE LOCAL LAW 8 OF 2006 PUBLIC
HEARING APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS pursuant to Section 10 of the Municipal Home Rule Law, the Town Board must provide a local law for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on December 27, 2006 at 4:35 p.m. to hear comments regarding proposed Local Law No. 8 of 2006, a Local Law providing the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session for the purposes of discussing a particular personnel matter. All in favor, motion carried.

MINUTES OF THE TOWN BOARD OF DECEMBER 13, 2006

CORRESPONDENCE

Liquor License Renewal / Papa Dale's. A letter was received from William H. Dale, owner of Papa Dale's Restaurant and Lounge, dated November 21, 2006, informing the Town Board of their intent to renew their liquor license.

Liquor License Renewal / TLC Central, LLC (Applebee's). A letter was received from Ritch Mabry, Vice President of TLC Central, LLC, dated November 15, 2006, informing the Town Board of their intent to renew the liquor license for Applebees.

Far Rockaway Code Issues Appreciation / Lovejoy Construction Co. A letter was received from Bob Lovejoy, dated November 23, 2006, thanking the Town for addressing the long-standing issues of trash on Far Rockaway Road.

Additional Coverage / Sheriff of Chemung County. A letter was received from Christopher Moss, Sheriff of Chemung County, dated December 5, 2006, informing the Town Board that extra patrols have been approved throughout the holiday season for the Arnot Mall and Consumer Square area.

Cable Television System Service / Time Warner Cable. A letter was received from David Whalen, Vice President of Public and Governmental Relations for Time Warner Cable, dated December 6, 2006, informing the Town Board that the agreement with Encore movie channels, HGTV, Showtime/TMC, and Spike TV will expire shortly.

Appreciation / Chemung ARC. A note was received from the Chemung ARC thanking the Town Supervisor for her participation in their first accreditation visit with the Council on Quality and Leadership.

Safety Notice – Natural Gas Emergency / NYSEG. A letter was received from Steve Craver, Director of Gas Engineering for NYSEG, dated December 4, 2006, providing a copy of an insert sent to the NYSEG customers regarding natural gas and pipeline safety.

Meeting Minutes – November 28, 2006 / RAMS. A copy of the meeting minutes of November 28, 2006 of the Rural Association of Mayors and Supervisors (RAMS) was received which outlines discussions concerning Cornell Cooperative Extension services and a recent articles relative to shared services.

Supervisor Balland temporarily suspended the Town Board meeting at 4:59 p.m.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 4:59 p.m.

NEW BUSINESS

MINUTES OF THE TOWN BOARD OF DECEMBER 13, 2006

RESOLUTION NO. 297-06
AGREEMENT WITH MRB GROUP FOR ENGINEERING SERVICES FOR WATER
DISTRICT NO. 3 SING SING WATERMAIN LOOP IMPROVEMENTS APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board approved Resolution 272-06 dated November 8, 2006 for District 3 Sing Sing Watermain Loop improvements, and

WHEREAS the Commissioner of Public Works recognizes that engineering is required to proceed with the Water District 3 Sing Sing Watermain Loop improvements, and

WHEREAS a proposal was received from MRB Group identifying the scope of services to provide such engineering at a cost not to exceed \$32,800.00, and

WHEREAS for environmental review, engineering studies are a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (21) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to enter into an agreement with MRB Group for the purpose of producing the Engineering and Design required to bid and construct the Water District 3 Sing Sing Watermain Loop improvements at a cost not to exceed \$32,800.00.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

Supervisor Balland closed the Water Board meeting at 5:02 p.m. and reconvened the Town Board meeting. The Town Board entered into Executive Session at 5:02 p.m.

Supervisor Balland reconvened the Town Board meeting at 5:27 p.m.

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to adjourn the meeting at 5:27 p.m.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk

MINUTES OF TOWN BOARD MEETING OF DECEMBER 27, 2006

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		Dean Frisbie
		David Manchester
		Michael Smith
Attorney	Thomas Reed	
Clerk	Teresa Dean	

Supervisor Balland called the Town Board meeting of December 27, 2006 to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

REPORTS.

Supervisor Balland provided the following reports:

- Walking trail bridge planning will begin next week;
- January 3, 2007 at 4:30 p.m. the Town Board will conduct the organizational meeting;
- Tonight the Town Board will discuss the Aquifer Overlay Protection and New York State Uniform Fire Prevention laws and the next law will be ridgeline and property maintenance code. In January a special meeting may be held to discuss the property maintenance code local law;
- State police renovation is proceeding and should be available next week;
- An informal proposal has been submitted for the 2006 Citizen of the Year and will be announced in the near future; and
- She thanked the Town Board for the time they have spent attending various committee meetings.

Councilperson Manchester explained that he is continuing his research into short-term disability programs that will benefit employees better than the current sick leave policies.

Councilperson Fairbrother reported that a meeting would be held with Jody Allen on January 3, 2007 at 3:00 p.m. to discuss the proposed Whitney Park plans.

Councilperson Frisbie reported that he and Councilperson Smith have discussed and reviewed the documentation submitted by Mr. Ken Lorson for the grant program and would be scheduling a meeting to discuss the application with Mr. Lorson after the first of the year.

Councilperson Fairbrother stated he would be providing proposed fire inspection fees at the organizational meeting.

MINUTES OF TOWN BOARD MEETING OF DECEMBER 27, 2006

PUBLIC HEARING: 4:32 p.m. Proposed Local Law 7, 2006 – Aquifer Overlay Protection

Supervisor Balland called the public hearing to order at 4:36 p.m. and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on December 18, 2006, which allowed and considered public comments on a proposed Local Law of the Town of Big Flats relative to the aquifer overlay protection.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Attorney Reed closed the Public Hearing at 4:37 p.m.

PUBLIC HEARING: 4:35 p.m. Proposed Local Law 8, 2006 – Administration and Enforcement of NYSUFP and Building Code and State Energy Conservation Construction Code

Supervisor Balland called the public hearing to order at 4:37 p.m. and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on December 18, 2006, which allowed and considered public comments on a proposed Local Law of the Town of Big Flats providing the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Attorney Reed closed the Public Hearing at 4:39 p.m.

MINUTES

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to approve the minutes of November 29, 2006 as presented. All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to approve the minutes of December 13, 2006 as presented. All in favor, motion carried.

OLD BUSINESS

Proposed Local Law 7, 2006 – Aquifer Overlay Protection. Supervisor Balland tabled the proposed Local Law 7, 2006 Aquifer Overlay Protection.

CONCERNS OF THE PEOPLE. None

OLD BUSINESS continued

RESOLUTION NO. 298-06
ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE
UNIFORM FIRE PREVENTION AND BUILDING CODE LOCAL LAW 7 OF 2006
APPROVED

Resolution by: Frisbie
Seconded by: Manchester

WHEREAS pursuant to Section 10 of the Municipal Home Rule Law, the Town Board must provide a local law for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code, and

WHEREAS a Public Hearing was duly advertised in the Elmira Star Gazette and held on December 27, 2006, now

BE IT THEREFORE RESOLVED the Town Board hereby adopts a Local Law providing the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code, and

FURTHER RESOLVED said Local Law shall be known as and filed with the New York State Department of State as Local Law 7, 2006, and

FURTHER RESOLVED this Local Law shall take effect immediately following filing with the New York State Department of State.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

NEW BUSINESS

RESOLUTION NO. 299-06
PUBLIC HEARING FOR A PROPOSED LOCAL LAW REGARDING SPECIAL USE
PERMIT CRITERIA APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board has determined the necessity to consider a proposed Local Law dealing with special use permit review and approval, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF DECEMBER 27, 2006

RESOLUTION NO. 299-06, PUBLIC HEARING FOR A PROPOSED LOCAL LAW REGARDING SPECIAL USE PERMIT CRITERIA continued

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing for January 10, 2007 at 4:33 p.m. to hear comments regarding a proposed local law of the Town of Big Flats regarding special use permit criteria.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

RESOLUTION NO. 300-06
ATTENDANCE TO THE NYS DEPARTMENT OF STATE BASIC CODES
TRAINING APPROVED

Resolution by: Smith
Seconded by: Frisbie

WHEREAS New York State requires Code Enforcement Officers to complete six basic required 3-day courses in order to be certified as a Code Enforcement Officer in New York State, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Darlene Barnes to attend the Introduction to Code Enforcement Practices Parts 1 and 2 in Schuyler County on January 9-11 and January 23-25, 2007, respectively, with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 27, 2006

RESOLUTION NO. 301-06
INCREASING THE DEBT SERVICE FUND AND A BUDGET TRANSFER /
AMENDMENT APPROVED

Resolution by: Balland
Seconded by: Frisbie

WHEREAS the Town Supervisor has determined that in an ongoing effort to set aside resources for future payments on long-term debt that a budget transfer is required, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the following budget transfer:

FROM:	Contingency	A1990.0400	\$100,000.00
TO:	Transfer to other funds	A9901.0900	\$100,000.00

FURTHER RESOLVED the following amendment to the debt service fund is approved:

Increase V0510 (estimated revenue) \$100,000

To: V5031 \$100,000

Increase V0960 (estimated appropriations) \$100,000.00

To: Principal Serial Bonds V9710.0600 \$100,000.00

FURTHER RESOLVED the Town Board approves the following general fund budget transfer:

FROM:	Land	A1940.0200	\$52,100.00
TO:	Building	A1620.0200	\$10,000.00
	Building/Post Office	A1620.0201	\$33,000.00
	Traffic Control	A3310.0400	\$ 2,100.00
	Building Inspector	A8021.0200	\$ 7,000.00

FURTHER RESOLVED the Town Board authorizes the following highway fund budget transfer:

FROM:	Machinery	D5130.0200	\$15,000.00
TO:	General Repairs	D5110.0100	\$15,000.00

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 27, 2006

RESOLUTION NO. 302-06
CONTINGENCY AND TAX STABILIZATION RESERVE ACCOUNT APPROVED

Resolution by: Balland
Seconded by: Fairbrother

WHEREAS General Municipal Law section 6-e authorizes the establishment and funding of a reserve account for the purposes of financing unanticipated revenue losses as well as unanticipated expenditures such as tax certiorari refunds pursuant to court order, and

WHEREAS the Town Board hereby declares the establishment of such account is in the public interest and is part of sound fiscal planning for the Town, and

WHEREAS the Town Board adopted Resolution No. 266-06 which established a Contingency and Tax Stabilization Reserve Account, and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED pursuant to General Municipal Law section 6-e, it is hereby declared and directed that a contingency and tax stabilization reserve account be established for the Town and the funds deposited therein shall be invested in accordance with the law, and

FURTHER RESOLVED that since this resolution is subject to a permissive referendum pursuant to Article 7 of the Town Law, the Town Clerk is hereby authorized and directed to publish the necessary notices associated therewith, and

FURTHER RESOLVED the Town Board rescinds Resolution No. 266-06 and approves the following tax stabilization reserve account:

FROM:	Fund Balance	A0909	\$15,000.00
TO:	Reserve for Tax Stabilization	A08080	\$15,000.00

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland
NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 27, 2006

RESOLUTION NO. 303-06
ABSTRACT OF AUDITED VOUCHERS FOR DECEMBER 2006 APPROVED

Resolution by: Balland

Seconded by: Frisbie

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for December 2006, vouchers 5104 – 5220, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$375,111.22
HIGHWAY FUND	\$ 26,055.99
WATER DISTRICT #1	\$ 4,856.53
WATER DISTRICT #2	\$ 4,635.86
WATER DISTRICT #3	\$ 1,686.21
WATER DISTRICT #4	\$ 567.00
LIGHTING DISTRICT	\$ 779.98
TRUST & AGENCY	\$ 2,182.58

CARRIED: AYES: Frisbie, Manchester, Fairbrother, Smith, Balland

NAYS: None

CORRESPONDENCE

2006 Annual Aid Certification/NYS ORPS. A letter was received from the New York State Office of Real Property Services, dated December 11, 2006, congratulating the Town for demonstrating successful completion of an annual reassessment and aid of \$5.00 per parcel will be sent to the Town of Big Flats.

Public Water Extension/CC Health Department. A letter was received from Thomas Kump, Director of Environmental Health Services for Chemung County Health Department, dated December 7, 2006, requesting the Town look into the possibility of extending public water to the area surrounding Olcott Road and Hillview Drive area.

Proposed Millennium Pipeline Company PILOT/CC IDA. A letter was received from George Miner, Executive Director for the Chemung County Industrial Development Agency, dated December 14, 2006, informing the Town Board that they would be considering a proposed Payment in Lieu of Tax agreement with Millennium Pipeline Company, L.P.

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to adjourn the meeting at 4:46 p.m.

Date approved: _____

Teresa M. Dean, RMC
Town Clerk